

Westlake, Kenneth

From: Grimes, James
Sent: Friday, August 16, 2013 10:04 AM
To: Grimes, James; Haveman, Melanie; Manoyan, Simon; Portanova, Mary; Roy, Stephen; Ruppel, James; Sedlacek, Michael; Wagener, Christine; Westlake, Kenneth
Subject: Anti-mine activists flood DNR with calls to stop mine -

Video at <http://www.wjfw.com/stories.html?sku=20130815210523&display=video>

Anti-mine activists flood DNR with calls to stop mine

Submitted: 08/15/2013

HURLEY - Mine opponents inundated DNR officials Thursday in Hurley with pleas to stop the sampling and permitting process for a huge proposed iron ore mine in the Penokee Hills.

The DNR's first public hearing on Gogebic Taconite's mining plans went more than 20 speakers and an hour and a half deep before the first pro-mine speaker even stepped to the podium.

Wisconsinites from across the state, scientists, and tribal members formed the overwhelming anti-mine majority in Hurley.

"Don't let an inexperienced company with an ill-conceived, vague, and scientifically unsupportable plan experiment on and destroy the Bad River Watershed, the most pristine and valuable watershed in the Great Lakes Basin, and the human, animal, and plant life it supports," Allie Raven, a member of the Bad River Band of Lake Superior Chippewa Indians, told DNR officials.

"The proposed bulk sampling efforts and G-Tac mine are an assault on our treaty rights and our way of life. The actions proposed in G-Tac's bulk sampling plan impacts the air, water, and the land that we depend on," Red Cliff Band chairwoman Rose Gurnoe-Soulier said at the podium.

The DNR wanted to solicit public comment on two sensitive items. For one, they presented from the company a document called a preapplication notice of intent, a required step before Gogebic Taconite can submit a formal mining permit application. Second, they sought opinions on a plan from Gogebic Taconite to remove about 4,000 tons of rock from the proposed mine site spanning Ashland and Iron Counties for bulk sampling.

"Getting comments from the public is really valuable so that when we sit down to have those meetings, we can take everything into account," said Ann Coakley, the DNR's Waste and Materials Management Bureau Director.

Gogebic Taconite submitted their latest bulk sampling plan to the DNR on July 28. It calls for taking the 4,000 tons of rock samples off-site, likely to Minnesota, for testing. What remains unclear is whether the sampling would involve blasting activity.

Some rock samples from U.S. Steel's 1960 sampling at the site could be an option to test. That would avoid blasting for rock.

"We think we can take that rock and use it. But until we get in and get it, and kind of figure out what kind of representative sampling we have, we won't know for sure. But we're pretty sure we can do it without using explosives," Gogebic Taconite spokesman Bob Seitz said Thursday.

Wisconsinites traveled from as far as the extreme southern part of the state to speak before the committee on the bulk sampling approval question, and on the mine as a whole. But among those strongest in their opposition were speakers from the immediate area of the proposed mine.

James Minikel has owned his property in the Iron County wilderness for 20 years. It abuts the site where mine tailings would be dumped.

"They're talking about a 24/7 operation with conveyors that will bring that overburden onto that storage site, which is right next to our property," he worries. "It ruins all of the reasons that we have that property. My question is, how can I be compensated for this? Who wants to live next to an open-pit mine?"

Minikel said he has put that question to Republican legislators who favor of the mine, to no avail.

But the Democratic state Senator who represents the mine district feels strongly about the issue.

"This company has come in and said, we'll create jobs. Trust us. Maybe that's the way they do it in West Virginia, as if this were a West Virginia coal company," said Sen. Bob Jauch, outside the hearing room. "But in Wisconsin, or Minnesota, you really expect the company to establish really solid relationships and build trust."

Jauch cited what he sees as blunders in Gogebic Taconite's lobbying and application process as a blow to that trust.

"They've had over two and a half years to think this thing through. Instead of trying to change the state law, and to compromise the public voice, and harm the discretion of the DNR, and hurt the taxpayers, it would be better that they spent time on these issues so they could do it right."

The flood of mining opposition didn't seem to bother Gogebic Taconite officials.

"We expected that," Seitz said. "We put forward our plan, that's the positive side of the meeting. Then, the opponents, this is really a forum for them to come out and oppose what's in there. If you're satisfied, generally people stay home."

For both supporters and opponents of Penokee Hills mining, the debate is nowhere near over. The public comment period stays open until September 3. The DNR will decide within two months whether Gogebic Taconite can move forward with bulk sampling. An approval for bulk sampling would only be an initial step toward operating a mine.

"We are really in the infancy of a permitting process with Gogebic Taconite," Coakley said. "It will be at least a few years until they submit a permitting application to the department."

Story By: Ben Meyer

James G. Grimes

Assisting the Environmental Protection Agency under a Cooperative Agreement with the National Asian Pacific Center on Aging

Westlake, Kenneth

From: Grimes, James
Sent: Thursday, August 15, 2013 11:34 AM
To: Grimes, James; Haveman, Melanie; Manoyan, Simon; Portanova, Mary; Roy, Stephen; Ruppel, James; Sedlacek, Michael; Wagener, Christine; Westlake, Kenneth
Subject: Tribe asks feds to stop Penokee mining exploration - Ashland Daily Press

Tribe asks feds to stop Penokee mining exploration

Posted: Thursday, August 15, 2013 11:00 am

Tribe asks feds to stop Penokee mining exploration MIKE SIMONSON Wisconsin Public Radio

The federal government is being asked to step in to stop any more mining activity in the Penokees...exploratory or otherwise.

When a new iron ore mining bill passed the state legislature last winter, Bad River Tribal Chairman Mike Wiggins figured his best bet to protect the watershed leading to his reservation and Lake Superior was through the federal government. He says the Environmental Protection Agency and the Army Corp of Engineers have more integrity than the new state law.

"Bulk sampling is a joke and was actually a mining company construct that they got in the (new) state law," said Wiggins.

Wiggins said bulk sampling is the beginning of mining by Gogegic Taconite, and he wants an Environmental Impact Statement before GTAC does any digging or uses explosives in the Penokee Range.

"We're there now. We're into the start of GTAC trying to get down into the earth, trying to get started on exploding and we're going to engage at the federal level and let's put a stop to this madness."

Wiggins said Bad River will not sit by and watch the state go ahead while they believe federal regulations are bypassed.

"There's no silver bullet to protect ourselves. We have to utilize a myriad of different entities and resources. Just sitting and watching a hearing about the bulk sampling phase for a mining company that conjured the bulk sampling phase up into state law is something we have to transcend because there's way more at stake here."

The DNR says although the new state law doesn't require an environmental impact statement, the old state law didn't either.

The state is holding its first of two required public hearings in the mining permit process in Hurley today. It will be streamed live at WPR.org.

James G. Grimes

Assisting the Environmental Protection Agency under a Cooperative Agreement with the National Asian Pacific Center on Aging

Geologic Taconite

8/15/13 3⁴⁵

Recap of 8/12/13 mtg by
Mike Sedlacek.

and Melanie Hoveman (Wetlands).

Mike attended. COE, (Doug Bruner, Rebecca Graser), 3 reps from
Bad River Band. Several WDNR. No USFWS. G-Tac company
rep was there. ^(groundwater, hydrology) _{WEPA} No USFS.

G-Tac presented. Proposed 7 mile long pit of varying depths.
Pretty narrow.

Tailings basin and taconite processing mill will be north of
pit. $\frac{1}{2}$ in Ashland Co., $\frac{1}{2}$ in Iron County.

COE, DNR had handouts. G-Tac did not have handouts.

Discussed importance of good baseline water monitoring, including any other sources of contamination in the basin (e.g., WWTP, farms). Not sure if Bad River has a TMDL.

Mine is all in Lake Superior Basin.

Mouth of Bad River is a sensitive estuary (high quality wetlands). ~~They~~ COE said their estuary is an Aquatic Resource of National Importance. (ARNSI). Bad River mouth is SE of Apostle Islands. Don't know if National Park Service is interested. Mine site is mostly in WI State Forest Land. Not in USFS land.

COE told G-Tac not to submit application until they've gathered extensive surface water and ground water data, historic data, USGS water gauges (if they exist), private well records (if any). Area is pretty unpopulated.

Company needs to drill groundwater sampling wells.

COE, DNR, EPA can't give advice on well placement until more info is known on topography, gw flow.

Bar is G-Tac's consultant. Looking at at least 1 yr to do initial studies, installation of initial wells.

COE wants 2 years of g.w. surface water data.

NIDES generally needs 3 years of surface water data, per
Kristol McKim.

WTRR talked about new WI running bar.

COE discussed their NIDRA compliance process. Details.
COE said they will do an EIS. Along an EX would be writing three
WDRR would likely do an EIS.

COE/WDRR want to do a joint EIS, but now WI has
transformer could make WDRR & WEPRA EIS faster.

WDRR/COE plan to do a joint EIS, but WTRR may
later split off from it. The constraints in state law make
joint review impractical.

Company from a joint EIS willing to share with the
timeframe of needed to allow for merge COE/WDRR EIS.

The experienced EPA's note under NIDRA.
Medline reviewed EPA note under 404.

The approved agreement re: water quality impact
Tribal has current treatment as a minor. Will fully use those
authorities to protect their water. Tribe has more stringent
standards than WI.

COE is at least 1 year away (maybe 2 + yrs) from
issuing an EIS notice of intent.

Scattered wetlands. Did not enter any wetland impact estimates.
Tulungo from proposed in all non-wetland areas. It is
pretty wild, so not lots of wetlands.

Geologic Taconite

Tamara Cameron COE 8/16/13 2⁰⁰

Mtg 8/12/13 in Wausau. Corps, EPA, WDNR, and company.
COE will layout expectations for baseline data early on.
Could be 1 or more years until company ~~is ready to~~
submits sufficient baseline data to assure Corps
that this project has sufficient viability for COE
to start NEPA process.

8/12 mtg will not have call-in option.

COE is uncertain whether a joint Fed-state BIS is
possible, given accelerated schedules WDNR must
meet under new state mining law.

COE will keep a record of 8/12 mtg and will share
with Bad River Band.

COE has an "FTP" site for this project. Postings to that
website only stay posted for 2 weeks. EPA can access.

COE lawyers conclude that a cooperating tribe can't
claim deliberative process privilege until FOIA. COE highly
values the ability to invoke deliberative process privilege
to deny release of drafts. Having drafts circulating w/ public evokes
Does EPA lawyers think this same way on FOIA? deliberative
process.
COE - St. Paul atty to Joe Willging.

★ How does EPA attorney view FOIA restrictions?
✓ w/ Barbara Webb?

★ Have Mike bring a handout describing EPA's role in mining
under NEPA, 404, and delegated media programs.

COE meeting with GTAC
WDNR Wausau Service Center, 11:30-1:30

August 12, 2013

Attendees:

Tim Meyers, GTAC
GTAC Consultant
Doug Bruner, USACE
Bill Sande, USACE

Rebecca Graser, USACE
Ann Coakley, WDNR
Keith Patrick, WDNR
Larry Lynch, WDNR

Agenda:

1. Advance Coordination (0.25 hr)
 - Continue coordination with USACE/WDNR
 - Encourage applicant pre-application meetings with EPA
 - Consider applicant tribal liaison
2. EIS Informational Needs (0.75 hr):
 - Baseline studies
 - Seek EPA participation
3. EIS Timing (0.5 hr):
 - When USACE begins the process
 - How long the process takes
4. EIS/Other (0.5 hr):
 - Tribal participation
 - EPA participation

Westlake, Kenneth

From: Walts, Alan
Sent: Thursday, August 08, 2013 1:41 PM
To: Sedlacek, Michael
Cc: Westlake, Kenneth
Subject: FW: Letter Regarding August 12 Regulator Meeting (UNCLASSIFIED)

Looping you in on Tamara's reply to the Band - see below

Director, Office of Enforcement and Compliance Assurance (OECA) U.S. EPA, Region 5
Phone: (312) 353-8894
Fax: (312) 582-5151

-----Original Message-----

From: Pierard, Kevin
Sent: Thursday, August 08, 2013 1:24 PM
To: Hyde, Tinka; Swenson, Peter; Melgin, Wendy; Holst, Linda
Cc: Walts, Alan; Westlake, Kenneth
Subject: RE: Letter Regarding August 12 Regulator Meeting (UNCLASSIFIED)

There are two different meetings being discussed one in September and this one in August. I believe wetlands is covering the August 12 meeting. The September meeting and our participation in it is up for consideration. I sent my thoughts on that earlier today.

-----Original Message-----

From: Hyde, Tinka
Sent: Thursday, August 08, 2013 1:18 PM
To: Swenson, Peter; Melgin, Wendy; Holst, Linda; Pierard, Kevin
Cc: Walts, Alan; Westlake, Kenneth
Subject: FW: Letter Regarding August 12 Regulator Meeting (UNCLASSIFIED)

Please see the Corps's note below asking Bad River to join the meeting. Linda/Peter/Kevin: Who are we planning on sending at this point. Seems to be largely a wetland focus - am I correct?

-----Original Message-----

From: Cameron, Tamara E MVP [<mailto:Tamara.E.Cameron@usace.army.mil>]
Sent: Thursday, August 08, 2013 10:15 AM
To: environmental@badriver-nsn.gov
Cc: Ervin Soulier; Naomi Tillison; Hyde, Tinka; Haveman, Melanie; Mayo, Kathleen; Graser, Rebecca M MVP
Subject: RE: Letter Regarding August 12 Regulator Meeting (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Thank you Cyrus. As we discussed yesterday, it is clear that the Bad River Band will have a significant role in our review of any proposal to mine upstream of the reservation. Your Band's "treatment as a state" with regard to the Clean Water Act puts you in a unique position, as compared to other stakeholders that may wish to be involved in these types of meetings. Your involvement in our future discussions of any potential downstream water quality impacts that may result from an upstream proposal is essential, and therefore it

would be wise for you to attend this initial meeting at which the Corps and EPA plan to briefly address regulatory requirements pursuant to CWA Section 404, Section 401, and NEPA.

I will make sure you receive the meeting information for your attendance on Monday.

Regards,
Tamara.

-----Original Message-----

From: Cyrus Hester [mailto:Environmental@badriver-nsn.gov]

Sent: Thursday, August 08, 2013 8:54 AM

To: Cameron, Tamara E MVP

Cc: Ervin Soulier; Naomi Tillison; Hyde.Tinka@epamail.epa.gov; Melanie Haveman; Mayo.Kathleen@epamail.epa.gov; Graser, Rebecca M MVP

Subject: Letter Regarding August 12 Regulator Meeting

On behalf of Erv Soulier:

Tamara,

Please see the attached letter regarding the August 12th meeting of regulators and Gogebic Taconite in Wausau, WI. A hardcopy will be placed in the mail today.

Thank you,

Cyrus Hester

Environmental Specialist

Bad River Band of the Lake

Superior Tribe of Chippewa Indians

(O) 715-682-7123 x 1551

(F) 715-682-7118

Classification: UNCLASSIFIED

Caveats: NONE

BAD RIVER BAND OF LAKE SUPERIOR TRIBE OF CHIPPEWA INDIANS

CHIEF BLACKBIRD CENTER

P.O. Box 39 • Odanah, Wisconsin 54861

August 8, 2013

Tamara Cameron
U.S. Army Corps of Engineers
180 Fifth Street East, Suite 700
St. Paul, MN 55101-1678

Dear Ms. Cameron;

I am writing as a follow-up to our telephone discussion yesterday regarding the meeting between representatives of the Army Corps of Engineers, the Wisconsin Department of Natural Resources, the Environmental Protection Agency, and Gogebic Taconite, LLC. It is our understanding that the intent of the meeting on August 12th is for regulators to discuss with Gogebic Taconite the environmental review process and the various baseline data requirements related to mine permitting in the Bad River Watershed.

I want to state very clearly that the Bad River Band of Lake Superior Chippewa is a sovereign, continuous government with regulatory authorities (Clean Water Act §303 and §401) over downstream waters and commensurate authorities under the Clean Air Act. Primacy for determining what data is necessary to demonstrate compliance with tribal regulations (e.g. Water Quality Standards) rests solely with the Tribe. We ask that you include us in the August 12th meeting or other activities where decision-making is informed. We strongly recommend that fellow regulators foster an inclusive environment so as to avoid unnecessary discrepancies, inefficiencies, or (in-)actions that result in an inability to demonstrate compliance with tribal regulatory authorities.

Based upon our review of the situation and yesterday's phone conversation, I feel confident that our status as a government and regulator will be respected. I would greatly appreciate a response by Friday, August 9th to confirm our attendance.

Respectfully,

Ervin Soulier
Ervin Soulier
Natural Resources Manager

cc:


Naomi Tillison, BRNRD
Cyrus Hester, BRNRD
Tinka Hyde, USEPA
Melanie Haveman, USEPA
Kathleen Mayo, USEPA
Rebecca Graser, USACE



Fw: Bad River, Gov Walker, mining

Daniel Cozza to: Mary.Manydeeds, Scott.Doig, Thomas L Weaver, Perry M Jones, fafitzpa, James R Stark, Frederick.VandeVenter, mark.kuester, 09/22/2011 09:10 AM

From: Daniel Cozza/R5/USEPA/US
To: Mary.Manydeeds@BIA.gov, Scott.Doig@BIA.gov, Thomas L Weaver <tlweaver@usgs.gov>, Perry M Jones <pmjones@usgs.gov>, fafitzpa@usgs.gov, James R Stark <stark@usgs.gov>, Frederick.VandeVenter@bia.gov, mark.kuester@bia.gov, Jennifer

Sender	Date	Subject
 Daniel Cozza	09/22/2011 09:10 AM	Fw: Bad River, Gov Walker, mining

From yesterday's Journal Sentinel

Indian tribe meets with Walker to discuss opposition to mine

Potential environmental effects on tribal lands cited

By Lee Bergquist and Patrick Marley of the Journal Sentinel
Sept. 21, 2011 |(16) Comments

Madison - Leaders of a Wisconsin Indian tribe who live closest to a proposed iron ore mine near Hurley said Wednesday that they opposed the mine because of the potential environmental effects the project could have on tribal lands.

The Bad River band of Lake Superior Chippewa met with Gov. Scott Walker to talk about a host of mining issues.

But before even meeting with the governor, tribal leaders held a news conference to criticize the Hurley project.

The event underscored the independence of the tribe and the influence it could have over a mine that would provide a major financial boost to northern Wisconsin.

The tribe said it believes an open-pit mine upstream from tribal lands could not be built without harming the surrounding environment.

"The Bad River watershed is one of those places that should not be mined. It's that simple," Michael Wiggins Jr., the tribal chairman, said at a Capitol news conference. "We will not stand for an open-pit mine in the Bad River watershed."

Said Frank Connors, a member of the tribal council:

"This is our land. This is where we live. We can't just pack up and move."

The meeting with representatives of the Bad River and Lac Courte Oreilles tribes lasted about an hour and half. Afterward, Walker's spokesman Cullen Werwie said:

"As promised, Governor Walker met with tribal leaders, listened to their thoughts on changing Wisconsin's mining related laws, and had a discussion with them about the process moving forward."

Company's view

Mining legislation is expected to be in the spotlight during the fall legislative session, with many Republican lawmakers, especially, saying that changes in mining laws are needed to help Gogebic Taconite, the developer of the Hurley-area mine, move forward with its project.

The company said that it can't move forward until the Legislature provides more certainty over environmental permitting.

Wisconsin Manufacturers & Commerce, the state's biggest business lobby, said mining is one of the group's top priorities because of the jobs that would be created and the spillover effect for truckers, railroads, utilities and the state's manufacturing and mining sectors.

Gogebic has claimed the mine would employ about 700 people, in addition to construction and other spinoff employment.

But aside from Wisconsin regulators, others will play a role in deciding whether a mine will be built.

The U.S. Army Corps of Engineers met with Walker's office this spring and wrote a letter in August reminding the governor of the role the agency plays in environmental permitting.

Also, the Bad River is awaiting approval from the U.S. Environmental Protection Agency on its application that would allow it to set water quality standards on tribal properties. That would let the tribe impose limitations on water users that operate upstream and outside the reservation.

An EPA spokesman said Wednesday that it is still reviewing the proposal.

"No one should diminish the power of the tribe, given the authority they are seeking to regulate water that flows through their reservation," said state Sen. Robert Jauch (D-Poplar).

If built, the mine would be located in his senate district.


The meeting with Walker, Jauch said, "clearly elevated the importance of the Native American voice on this issue."



Fw: [miningmoolah] Copper Mining Company Pursues Gogebic Range

Mary.Manydeeds, Scott.Doig, Thomas L
Daniel Cozza to: Weaver, Perry M Jones, fafitzpa, James R 09/27/2011 11:47 AM
Stark, Frederick.VandeVenter, mark.kuester,

From: Daniel Cozza/R5/USEPA/US
To: Mary.Manydeeds@BIA.gov, Scott.Doig@BIA.gov, Thomas L Weaver <tlweaver@usgs.gov>, Perry M Jones <pmjones@usgs.gov>, fafitzpa@usgs.gov, James R Stark <stark@usgs.gov>, Frederick.VandeVenter@bia.gov, mark.kuester@bia.gov, Jennifer

Sender	Date	Subject
 Daniel Cozza	09/27/2011 11:47 AM	Fw: [miningmoolah] Copper Mining Comp

Thanks Vickie,
Here is a series of recent mining articles in the WI papers.

Dan
312-886-7252
----- Forwarded by Daniel Cozza/R5/USEPA/US on 09/27/2011 11:44 AM -----

From: "Victoria Flowers" <VFLOWERS@oneidanation.org>
To: Daniel Cozza/R5/USEPA/US@EPA
Date: 09/27/2011 11:20 AM
Subject: Fwd: [miningmoolah] Copper Mining Company Pursues Gogebic Range

Not sure if you seen this, please distribute.

Check out our new web page: <http://www.oneidanation.org/environment/>
Thank you

Victoria Flowers
Environmental Specialist - Brownfield Coordinator
Oneida Tribe of Indians of Wisconsin
(920) 869-4548 office
(920) 366-6720 cell
(920) 869-1610 fax

>>> James Snitgen 9/27/2011 11:18 AM >>>
This is a list serve type thing I am on. FYI.

>>> "Lori Andresen" <andres01@charter.net> 9/27/2011 10:17 AM >>>

Copper Mining Company Pursues Gogebic Range

Article | September 26, 2011 - 6:45pm | [Claudia Broman](#)

Another mining project is being pursued in the Gogebic Range, and rather than taconite the company is looking for copper.

On Monday, a publicly traded company, [Orvana Minerals Corp.](#), through a subsidiary called Orvana Resources US Corp, submitted a mine permit application for what the company is referring to as "the Copperwood copper project" to the Michigan Department of Environmental Quality.

The proposed project would be located in both Ironwood and Wakefield townships in Gogebic County of Michigan. According to a February press release from Orvana, the mineral makeup of the proposed project is like that of the White Pine mine, located 18 miles east, where nearly 2 million tons of copper was produced between 1953 and 1996.

According to the requirements of the Michigan Nonferrous Metallic Mining regulation, the review of Orvana's application is likely to take about seven months, though it could take longer if the state finds modifications to be necessary.

Orvana on Monday issued a news release saying the permit applied for Monday is one of 13 permits it will file with the Michigan Department of Environmental Quality and the Michigan Department of Natural Resources as part of operating a mine in Michigan. Within the next 90 days the company anticipates applying for a wetlands fill permit, a wastewater discharge permit, and a permit to install/air discharge.

"We look forward to this permit review process and are optimistic about a positive outcome," said [Bill Williams, president of Orvana USA](#), and of no apparent connection to Bill Williams of Gogebic Taconite, LLC, a company pursuing a separate taconite mining project in the Gogebic-Penokee Range. "The effort exerted by Orvana's Copperwood team to compile all the data collected, integrate the contributions of the consultants and contractors involved, and organize this 6,000-page document was extraordinary. This effort will continue as we march forward towards an operating mine."

The Copperwood project refers to a stratiform copper deposit in shales and siltstones of the lowermost Nonesuch Formation along a shallow-dipping southern limb of the westward-plunging Western Syncline in the Upper Peninsula.

Within the deposit the company says copper occurs as very fine-grained chalcocite.

"Fully-diluted proven and probable reserves are 22.6 million tonnes of 1.37 percent copper and 4.2 grams per tonne silver and 4.6 million tonnes of 1.11 percent copper and 2.8 grams per tonne silver, respectively (total of 798 million pounds of contained copper and 3.5 million ounces of contained silver)," the company's release states.

Orvana has plans to mine the deposit with underground room-and-pillar methods and process the ore using conventional flotation technology.

Along with the current project proposal, Orvana has options to lease mineral rights on other copper deposits within the Western Syncline.

"We gratefully acknowledge the overwhelming support of the communities and their representatives and will continue our efforts to make a copper mine a reality in this part of Michigan's Upper Peninsula," Williams said in a June press release.

Orvana is a multi-mine gold and copper producer, with its primary asset being the El Valle-Boinas/Carles gold-copper project in northern Spain. Orvana also operates the Don Mario Mine in Bolivia.

<http://www.businessweek.com/ap/financialnews/D9PT4BT00.htm>

Wis. tribe ramps up opposition to mine plan

By TODD RICHMOND
MADISON, Wis.

Gov. Scott Walker says he has met with tribal leaders about a proposed mine in far northwestern Wisconsin.

The Bad River Band of Lake Superior Chippewa's tribal council traveled to Madison Wednesday to air their concerns about Gogebic Taconite's plans to mine iron ore in Iron and Ashland counties. The tribe fears the mine would pollute their air and water and ruin the sloughs they use for their traditional wild rice harvest.

Walker spokesman Cullen Werwie issued a statement Wednesday afternoon saying the governor met with the council as he promised, listened to their thoughts and talked about the process going forward. Werwie declined to elaborate, saying discussions will continue at the governor's regular quarterly meeting with all Wisconsin tribes next month.

Bad River council chairman Mike Wiggins Jr. says a number of other Wisconsin tribes joined the Bad River at the meeting. They impressed upon the governor how serious the mine's effects could be, but Walker made no commitments.

THIS IS A BREAKING NEWS UPDATE. Check back soon for further information. AP's earlier story is below.

A northern Wisconsin American Indian tribe ramped up its push Wednesday to stop a proposed iron mine, meeting with Gov. Scott Walker to voice their fears the mine would destroy their way of life.

The Bad River Band of Lake Superior Chippewa's tribal council held a 90-minute news conference before meeting with the governor and his aides behind closed doors at the state Capitol, telling reporters the mine presents an imminent threat to their air and water quality. "This is our land. This is where we live. We just can't pack up and move," council member Frank Connors said. "Our land is our culture, our history, which runs deep. We came here to protect it." Gogebic Taconite wants to mine a stretch of the Penokee Range in Iron and Ashland counties just south of the Bad River's reservation. The first phase calls for mining a 4 1/2 mile stretch of the range, which would entail blasting down to the ore and creating a massive open pit. Company officials claim the project will generate hundreds of jobs and revitalize the region. They want to conduct additional studies of the area, but first they want state lawmakers to craft legislation reforming the state's permitting system, a process that currently can take years. No formal bill has emerged yet, though.

The Bad River tribe and other environmentalists fear the mine could pollute the Bad River watershed, which drains to Lake Superior, and hurt air quality. The tribal council adopted a resolution in May opposing the mine, but took things a step farther Wednesday, journeying all the way to Madison with its lawyers to air their grievances with the media and Walker. The tribal council reiterated its opposition to the mine to reporters, calling the company's job creation claims propaganda, warning the mine could ruin the wetland sloughs where the tribe holds its traditional rice harvests and complaining the tribe has been left out of all discussions about the mine.

In addition to voicing their concerns about the Gogebic Taconite project, the council planned to present the governor with 10 principles it wants to see in any mining legislation, including excluding any mine that could potentially cause acid pollution, including tribes in the permit process and preserving contested hearings on permits. Contested hearings are a sort of mini-trial, complete with sworn testimony and cross-examination.

"We want to bring the debate down to the details, not the mantra of jobs," the council's attorney, Glenn Stoddard, said.

Gogebic Taconite President Bill Williams said the tribe's concerns are nothing new, but their presence in Madison suggests lawmakers could have a bill ready soon. He stressed the company doesn't want to weaken air or water quality standards.

"We can work in harmony together," Williams said. "If we come into this with open minds, there is no need to continue generations of these fears. There are standards we have to live up to. These standards will be part of the permitting process. If we can't meet these, then we won't have a mine."

Walker has said he supports a mine as long as it doesn't hurt other sectors in the state such as farming and tourism.

Plan to streamline mining regulations picks up momentum

- e-mail
- print

By Lee Bergquist of the Journal Sentinel
Sept. 22, 2011 |(78) Comments

A long-stalled plan to streamline mining regulations picked up speed Thursday with creation of a special legislative committee, which could act on legislation by the end of the year.

"We need to focus, one, on the environment and, two, on job creation," said Sen. Neal Kedzie (R-Elkhorn), the chairman of the new Senate Select Mining Jobs Committee. "I think that both can work together."

Mining regulation has become one of the top issues in the fall legislative session after Gogebic Taconite said it was putting plans on hold for a large iron-ore mine near Hurley until a new law would ease the way for construction of an open pit mine.

Gogebic has said the mine would employ 700 workers, in addition to construction and other spinoff employment.

Despite enthusiasm for the project among Republicans who control the Legislature, no bill exists, and lawmakers have done little to advance legislation.

That changed on Thursday, when Senate Majority Leader Scott Fitzgerald (R-Juneau) called on Kedzie to lead the committee and named three other Republicans: Sens. Dale Schultz (R-Richland Center), Rob Cowles (R-Green Bay) and Rich Zipperer (R-Pewaukee.)

Senate Minority Leader Mark Miller (D-Monona) will recommend which Democrats should serve on the committee. As of Thursday, Republicans had not decided whether to allow two or three Democrats on the panel.

A spokesman for Assembly Speaker Jeff Fitzgerald (R-Horicon) said that house will take up mining through its existing committee structure.

Earlier this year, a draft bill supported by Gogebic Taconite was circulated widely and appeared to be on a fast track. But the measure had little public input and was shelved.

"I think there was a realization that this was a bigger issue than perhaps people thought," said Kedzie, who also serves as chairman of the Senate Natural Resources Committee.

Kedzie said one key issue lawmakers must address is how a mine - dug hundreds of feet into the ground - will affect wetlands and groundwater.

Gogebic's option on mineral rights in Iron and Ashland counties is on land where water flows north to Lake Superior and through the 124,000-acre Bad River Indian reservation.

On Wednesday, leaders of the Bad River band of Lake Superior Chippewa said they opposed the mine.

But tribal leaders also said they recognized that lawmakers would try to write new mining laws, and they said those changes should include environmental protections.

"The committee will be respectful of Native Americans' request," Kedzie said. "But at the same time, we are not going to craft a bill that is destined to fail. We want to be able to get applications from mining companies."

Environmentalists say the mine could harm the wetlands and groundwater. They fear a faster approval process could weaken water regulations.

Kedzie said existing mining laws must change to provide developers more regulatory certainty.

That echoes the sentiments of Gogebic Taconite, which contends the state has failed to provide timely responses to past mining applications.

Bill Williams, president of Gogebic Taconite, said he wanted lawmakers to move faster. A delay means he will not start exploration work this fall.

"I am glad to see some positive movement but would still prefer an earlier outcome," Williams said.

Patrick Marley of the Journal Sentinel reported on this story from Madison.

<http://www.wdio.com/article/stories/S2298749.shtml?cat=10335>

Committee to Examine Wis. Mining Laws

Posted at: 09/23/2011 9:50 PM | Updated at: 09/23/2011 10:07 PM
By: Jon Ellis

A legislative committee to consider changes to Wisconsin's mining laws could begin meeting within weeks.

Wisconsin's mining laws have faced increased scrutiny. Gogebic Taconite has proposed mining iron ore in the Penokee Mountains in Ashland and Iron Counties, but states that Wisconsin's permitting process is too slow.

Wis. Sen. Bob Jauch is widely expected to be named to the committee to consider changes to permitting laws.

"We can develop legislation that's somewhat similar to Minnesota's, that borrows Wisconsin's strength, protects the environment, public input, and at the same time is even more fair to the company that applies."

Jauch, a Democrat from Poplar, said that very input from the public is crucial in those mining proposals.

"All of us need to recognize that while it may comply with the law, it is going to alter the landscape," Jauch said. "It is going to change the natural resources that define and sustain our lives. Therefore, one has to be very, very careful, very thorough, make sure there is minimal disruption of our resources."

Jauch predicts the committee will put together a bill by spring. However, he said there's no law preventing Gogebic Taconite from moving forward now.

<http://www.wrn.com/2011/09/mining-committee-taking-shape/>

Mining committee taking shape

by Bob Hague on September 23, 2011

in Business, Environment & Conservation, Politics & Government

A state Senate committee charged with reviewing Wisconsin's mining laws faces a daunting challenge. State Senator Neal Kedzie will chair the Senate Select Committee on Mining Jobs. The Elkhorn Republican spelled out the challenge committee members will face once they begin work. "What we hope for is legislation that will allow for a permit to be applied for, for mining purposes, but also making sure that we safeguard the environment at the same time," said Kedzie. "This is a jobs creation and environmental protection bill wrapped into one."

Still, Kedzie conceded that it will be "difficult to accommodate everyone's concerns" over a proposed open-pit iron ore mine in Ashland and Iron counties. "We will definitely make sure that whatever legislation is released from the committee is reasonable, fair and cognizant of protection of our environmental resources, and at the same time giving the ability of applicants for permits to be able to participate in the process, and then let the science and the fact speak for themselves."

The area where Gogebic Taconite proposed the mine is represented by Democratic state Senator Bob Jauch. In an August interview Jauch, who is also expected serve on the committee, said public input will be critical. "The key is making sure that you can get this done (review the applications) in a reasonable, responsible period of time, in which the public has total access and absolute influence on the ultimate outcome," said Jauch. The key environmental issue in the proposed mine is the health of the Bad River and its watershed, as well as groundwater. "We have to create the greatest degree of certainty that we will not degrade the water sources," said Kedzie. "This something that I think the entire committee is committed to insuring." The key economic issue: the region has some of the highest unemployment in the state

http://www.duluthnewstribune.com/event/article/id/209743/publisher_ID/36/

Published September 20, 2011, 12:00 AM

New job opening for Minnesota mining coordinator

Minnesota Gov. Mark Dayton is looking to fill a new position of state mining coordinator to oversee all aspects of mining expansion in the state
By: **John Myers**, Duluth News Tribune

Minnesota Gov. Mark Dayton is looking to fill a new position of state mining coordinator to oversee all aspects of mining expansion in the state.

Dayton was asked last week by mining industry officials to appoint the new position, and the governor appears poised to do so in coming days.

The position will offer a single and first point of contact for industry officials and others seeking answers to questions on state regulations and state involvement in both taconite and copper-nickel mining projects.

The person in the new position will act as a facilitator for mining projects.

"We're hoping to fill it as quickly as possible," Tony Sertich, commissioner of the Iron Range Resources and Rehabilitation Board, told the News Tribune on Monday. "I think it's important that it be someone very familiar with the federal agencies involved, in addition to the state processes, because it's at the federal level where these things are more likely to get held up."

Sertich said the new mining coordinator won't be able to bypass or change any state regulation but will help companies "navigate through the process."

The position will coordinate efforts by the Department of Natural Resources, Pollution Control Agency, Department of Employment and Economic Development and Iron Range Resources and Rehabilitation — which all have involvement in state mining regulation and support — but also keep track of the Environmental Protection Agency, U.S. Army Corps of Engineers and U.S. Forest Service.

Dayton, who held one of his several economic development meetings on the Iron Range last week, was told by several local officials that mining development and new jobs are being stalled by the state and federal regulatory process.

Brian Hiti, former IRRRB deputy commissioner, will fill the role temporarily, Sertich said. A so-called mining "subcabinet" of state agency heads will make a recommendation to Dayton on a person to fill the mining coordinator job. It's not clear under what agency the new position will serve.

The mining subcabinet — the commissioners of IRRRB, DNR, PCA and DEED — has been meeting since January, Sertich said, but until now hasn't had an official name.

"We meet regularly. This is not some ceremonial committee. We deal with both immediate issues and looking at the long-range picture," Sertich said.

<http://www.mountainx.com/article/35669/USDA-Forest-Service-urges-five-year-extension-of-Secure-Rural-Schools-Act>

DISCUSSION OF OTHER MINES IN MINNESOTA

6/15/11 10³⁰

COE - Tamara Cameron

NEPA - Ken Westlake, Simon Manoyan

^{Cottage Grove, MN}
Nelson Aggregate Mine - Company is looking for new
TC: mitigation because of quality of habitat.

Tom Hingsberger is COE staffer.

This project may go dormant if mitigation proves to be too expensive. DETS is delayed awaiting improved mitigation. COE may issue to complete NEPA process.

NorthMet update

TC: COE is comfortable proceeding w/ model, knowing that additional data will be collected.
COE thought that using other existing data sets would be valuable.

TC: COE understands that GoldSim model is the industry standard.

SM: We want to understand what formulas, assumptions will be used

TC: She agrees that we should get those elements.

SM: We want site-specific documentation, not just basic manual.

TC: She wants someone on COE staff to be familiar w/ details of model and discuss why that staffer is interested with it. Some of these issues are not related to §404.

KW - Wetlands - progression mitigation, adaptive mgmt, but not settled.

SC: Prelim SDEKS - Company thinks they are make up some time. May keep some from August.

SDEKS - still shooting for end of calendar year. These dates are very uncertain.

KW: MOU still in ORE.

SM: East Pit and Central Pit will be fully ^{not waste rock} wetlands established, not determined whether any of that acreage will count toward mitigation.

KEETAC

TARGET TO ISSUE BY 6/30/11.

TC COE is writing ROD. Will be running a permit.

Won't do tailings basin for wetland mitigation.

76 acres of impact from plant site.

Keetac will use off-site Palisade site for mitigation.

Info on this mitigation site has been sent to Wendy's group.

630 acres of impact

MINNTAC - 3rd party EA's. COE hopes, Applicant's consultant prepares EA, COE then completes it.

COE's NEPA implementation rules don't require publication.

Public notice will say EA is available upon request.

* → We need to request, referencing public notice.

Some projects are within existing state permit to mine.

Minntac has unpermitted activity 48 acres (Wetlands has their enforcement action).

Minntac wants to expand by 300 acres beyond our Permit to mine. COE will do joint NEPA/MEPA document (uncertain if it will trigger EIS. Generally, COE will do EIS for impacts > 60 acres. Consider context.

404/NEPA merger - Sometimes COE will add 4th concurrence point for final design for road projects. 3

NORTHSIDE MINE - (east pit expansion)

Requires relocation of County Rd. 623. ^{St Louis} COE plans to evaluate road relocation first. Will review mine expansion in separate future action.

FARGO - MOOREHEAD FLOOD - Civil Works - COE - St Paul did 404 b1. St. Paul Regulatory Branch did not review 404 b1 analysis.

T.C. worked for Basis Consulting ^{and BAWA} prior to COE (CWA, SDWA, spill response, etc., never did).

She'll copy me on flood control projects in MN, Red River Valley.

MESABI NUGGET

^{COE} ^{DNR/JPCA} Why on 6/16 to discuss what the no action alternative given the major legacy issue. Very complex. Expect EPA will be briefed once the no action ~~and~~ approach will be established.

COE working w/ Interior what their involvement will be.

COE wants Interior to define their special expertise for cultural resources. Tribes want to define that very broadly, and have deference. COE wants tribal special expertise to focus on historic/archaeological, traditional resource use.

On Grandin, Super hired excellent tech expert. All tribal communities ² considered but not all deserve deference.
→ Suggest COE talk to Barbara Western.

TWIN METALS (Duluth Franconia) or "Nokomis", Ely, MN

Proposed underground copper/nickel/precious metals mine.
COE doesn't yet know magnitude of water/wetland impacts.
In BWCA watershed (South Kawishiwi River)

~~GOBEC TACONITE~~ GOBEC TACONITE ("G-Tac")

Proposer has very limited resources. Pending WI legislation
would limit WDOX review. If so, COE would not be able
to do joint enviro. review. COE would have to do separate
Fed EIS w/ 3rd party contract.

MESABA ENERGY - DOE - DOE's purpose was to
demo the technology. DOE is out of picture.

No market for the power. No power purchase agreement
because price of power is too high.

COE was cooperating agency, so 404 would use
past EIS. The wetland impacts by themselves don't
trigger EIS. COE would likely prepare an EA, tying
off previous DOE EIS.

Westlake, Kenneth

From: Grimes, James
Sent: Tuesday, July 16, 2013 8:36 AM
To: Grimes, James; Haveman, Melanie; Manoyan, Simon; Portanova, Mary; Roy, Stephen; Ruppel, James; Sedlacek, Michael; Wagener, Christine; Westlake, Kenneth
Subject: Bad River Chief, Governor Comment on Mine Protest Video - WDIO

Video at <http://www.wdio.com/article/stories/S3096078.shtml?cat=10363>

Bad River Chief, Governor Comment on Mine Protest Video

Posted at: 07/12/2013 2:10 PM | Updated at: 07/12/2013 3:21 PM



MADISON, Wis. (AP) - The head of an American Indian tribe is urging nonviolent opposition to the possible opening of an iron ore mine near their reservation in northern Wisconsin.

Mike Wiggins Jr., chairman of the Bad River Band of Lake Superior Chippewa, says the tribe condemns "any planned or improvised act of violence or vandalism" against the mining company.

Wiggins' written statement issued Friday comes at the end of a tense week that saw mining company Gogebic Taconite hire paramilitary style guards armed with high-powered rifles at the site in the Penoque Hills. The guards were removed on Wednesday because they did not have the required state license.

Wiggins says the tribe's opposition to the mine remains strong, but it will only condone nonviolent civil resistance as necessary.

Walker comments on mine protesters

Gov. Scott Walker says the activities of protesters have "no place in Wisconsin."

Walker issued a statement Friday commenting on the situation at the mine site, which has grown increasingly tense this week when the mining company hired paramilitary style guards to patrol the site.

Walker did not comment on the guards in his written statement. He decried protesters at the site as "extremists" who "should be prosecuted to the fullest extent of the law."

Walker says he spoke with the Iron County sheriff and offered any assistance that may be needed.

James G. Grimes

Assisting the Environmental Protection Agency under a Cooperative Agreement with the National Asian Pacific Center on Aging

Westlake, Kenneth

From: Grimes, James
Sent: Tuesday, July 16, 2013 8:23 AM
To: Grimes, James; Haveman, Melanie; Manoyan, Simon; Portanova, Mary; Roy, Stephen; Ruppel, James; Sedlacek, Michael; Wagener, Christine; Westlake, Kenneth
Subject: Woman charged in Gogebic Taconite protest - Duluth News Tribune

Published July 16, 2013, 12:00 AM

Woman charged in Gogebic Taconite protest

A Stevens Point, Wis., woman accused of four criminal counts of robbery and damage to property at an exploratory drilling site last month entered a not guilty plea Monday.

By: **Wisconsin Public Radio**, Duluth News Tribune

1.

A Stevens Point, Wis., woman accused of four criminal counts of robbery and damage to property at an exploratory drilling site last month entered a not guilty plea Monday.

Katie Kloth, 26, will have to post a \$5,000 signature bond and have no contact with Gogebic Taconite or the person who filed the complaint against her. The complaint details a confrontation by about 15 masked people who allegedly emerged from the Iron County woods June 11 yelling profanities and, according to the criminal complaint, saying, "I'll find out where you live and burn your house down."

Because of that, Iron County District Attorney Marty Lipske said he wants to identify those other people and possibly charge them with crimes.

"One of the other people said, and it's a quote from the criminal complaint, that they would blanking kill them if the cops weren't coming," Lipske said.

Kloth's attorney was not available by telephone. No date has been set for Kloth's next appearance.

James G. Grimes

Assisting the Environmental Protection Agency under a Cooperative Agreement with the National Asian Pacific Center on Aging

Westlake, Kenneth

From: Grimes, James
Sent: Tuesday, June 18, 2013 8:09 AM
To: Grimes, James; Haveman, Melanie; Manoyan, Simon; Portanova, Mary; Roy, Stephen; Ruppel, James; Sedlacek, Michael; Wagener, Christine; Westlake, Kenneth
Subject: DNR denies appeal to halt drilling in Wisconsin by Gogebic Taconite - Duluth News Tribune

Published June 18, 2013, 12:00 AM

DNR denies appeal to halt drilling in Wisconsin by Gogebic Taconite

The Department of Natural Resources has denied an appeal from the Bad River Band of Lake Superior Ojibwe to stop exploratory drilling in Northwestern Wisconsin by Gogebic Taconite.

By: **Mike Simonson** , Wisconsin Public Radio

1.

The Department of Natural Resources has denied an appeal from the Bad River Band of Lake Superior Ojibwe to stop exploratory drilling in Northwestern Wisconsin by Gogebic Taconite.

The decision was sent to Bad River on Friday. The band contended that the impact of drilling was not fully considered during the 10 days the DNR had to decide on whether to allow G-Tac to drill. DNR Waste Management director Ann Coakley said the drilling will continue.

"We didn't find anything in their letter that would cause us to halt the drilling," Coakley said. "We still believe that Gogebic Taconite has met the requirements of the law for exploration. We did issue them a license and we're not planning to revoke their license unless they don't follow their drilling plan."

Bad River Tribal Chairman Mike Wiggins said the DNR looked at the small picture, but the impact of drilling is much larger: "Watching a drilling rig go down into the Earth when everybody there understands that everything we look at at that drilling site, everything we experience, all the trees, every drop of water that may be around, is all slated for explosion."

G-Tac is drilling its first bore hole in Iron County now. It's expected to be finished in a few days. After that, at least another seven holes will be drilled in Iron and Ashland counties.

Wiggins doesn't expect to take legal action but said it is an option.

James G. Grimes

Assisting the Environmental Protection Agency under a Cooperative Agreement with the National Asian Pacific Center on Aging

Westlake phonenotes

6/3/13 3:45

Matt Dallman - The Nature Conservancy, Minocqua, WI 715-358-6305

I left this detailed message:

Mining process in WI:

- For ~~Cadillac~~ Taconite, Corps expects to prepare an EIS to inform COE's CWA 404 permit decision.
- EPA will review/comment on EIS, as we are required to do.
- EPA will review/comment on Public Notice from COE on ~~draft~~ permit application and draft permit.
- COE ~~and WDNR~~ authority is under CWA, independent of WI mining law and WETPA. Unless how new WI mining law will affect WDNR's ability to do joint EIS w/ COE.
- I recommend he call Teresa Cameron, COE St Paul Regulatory Branch Chief at 651-290-5197.

Westlake, Kenneth

From: Grimes, James
Sent: Friday, May 10, 2013 9:50 AM
To: Grimes, James; Haveman, Melanie; Manoyan, Simon; Portanova, Mary; Roy, Stephen; Ruppel, James; Sedlacek, Michael; Wagener, Christine; Westlake, Kenneth
Subject: Mine of Information: Tracking G-Tac's plans - WQOW

Video at <http://www.wqow.com/story/22212707/2013/05/09/mine-of-information-tracking-g-tacs-plans>

Mine of Information: Tracking G-Tac's plans

Posted: May 09, 2013 9:26 PM CDT
By Jerry Gallagher - [bio](#) | [email](#)

Northern Wisconsin (WQOW) - The plans for a large iron mine took a big step forward when Governor Walker signed a new mining law this year, but there is still a lot that has to happen before any ore is mined.

One step was taken on Thursday. The DNR received an application from Gogebic Taconite to do exploratory drilling in Ashland and Iron counties. The DNR now has 10 business days to review and make a decision about that application. (Click [here](#) to see the DNR's new web page about the project.)

(This is the third story in the WQOW News 18 series, "Mine of Information.")

WQOW News 18 asked lawmakers about the impact the new mining law could have. "This law says it should be assumed, presumed necessary to fill wetlands. It should not be presumed necessary, it should be presumed the last resort to fill those wetlands," said Sen. Bob Jauch (D) Poplar. "We specifically stated that you cannot fill in lake streams or lake beds and you cannot fill in or do any damage to Class 1, Class 2 or Class 3 trout streams," said Rep. Scott Suder (R) Abbotsford.

Under the old law, you could not fill any lake bed or stream with mining waste. The new law does not expressly forbid that, but certain standards have to be met before the DNR signs off.

"This (new) law is extremely strict," said Bob Seitz, the external affairs director for Gogebic Taconite. "To say our rivers and streams will be filled, no. Trout streams up there, those can't be touched," said Seitz.

A WQOW News 18 crew recently stood along a trout stream near G-Tac's proposed mine site in northern Wisconsin with the DNR's point person on ferrous mining, Ann Coakley. "We're assigning our best staff to this," said Coakley, who's had at least three meetings with G-Tac since the law was passed. "What we'll be looking at is for them to avoid and minimize impacts to wetlands and waterways. From what we've heard from the mining company, Gogebic Taconite, they plan to do that," said Coakley.

"The initial (mining) plan is... it's about four-miles long, about a 4,000-acre area and that would be mined for approximately 35 years," said Seitz. Seven to eight million tons of ore would be mined every year, but none of that happens without a lengthy approval process that begins this spring. G-Tac will explore the ore with borings and bulk sampling. "The bulk sampling is taking large pieces of rock so that they can send those through a pilot processing plant to see how processing would go if they were to have a mine," said Coakley.

Another step that has to be taken is for an environmental impact report to be filed. That report will examine the impact a mine could have on everything from animals and plants to the groundwater. "Anybody who tells you they know exactly what the situation is with groundwater or surface water is showing what they don't know. We don't claim to know exactly what's going on with the water. Until you put in the wells and test the water and find out what's going on, no one can make a determination on that, so we'll do the testing and based on the testing, we'll try to come up with a plan that passes muster," said Seitz.

The DNR says that process could take a year or two. Once that happens, and a permit application is submitted, the DNR is on the clock. "The only thing that changed is that we have a timeline for certain in which we need to either issue a permit or deny a permit application and that is a 420-day deadline from when we receive their application," said Coakley.

That deadline is new, but Coakley says she doesn't feel any added pressure because of it. "There's been nobody from the governor's office or our own administration that's ever asked me to say something or do something. I've really been left alone and have had complete autonomy and I feel really good about that," said Coakley.

Speaking of the governor, he feels there could be an economic boost, perhaps right away. "I would imagine some ripple effect, more people will come to do preliminary work, you may see an expansion in terms of re-opening the hotel in Hurley," said Gov. Walker.

"There will be some benefit to a restaurant or a motel, but you're not talking about dozens of people. They're drilling 16 holes. The governor promises too much. He hypes too much," said Sen. Jauch.

G-Tac says the number of workers to expect this summer will easily be in the dozens. The numbers about overall jobs have been pretty consistent. If the mine is approved, 2,000 jobs for two years in construction, 700 workers at the mine and processing plant when production starts. "\$60,000 a year average pay and when you add the benefits on, you're talking about an over \$80,000 position in a community where family income is below \$30,000," said Seitz.

Where would those workers come from? Last summer, a local frac sand mining company expressed concern about the workforce in its filing with the Securities and Exchange Commission. It said, "There is a shortage of skilled mining labor in Wisconsin." Is that a concern with an iron ore project that would need several hundred workers? "I'm just confident that we have the talent pool they're going to be choosing from. They're not going to have to go out of state," said Rep. Suder.

G-Tac wants to strike while the iron ore is hot, but it's expected the process could take anywhere from three to seven years and the courtroom could be a backdrop for much of it. "The legislation is an invitation to litigation," said Sen. Jauch. "There are people who try to stop every development and every bit of economic activity and this is a large economic activity and so, somebody will probably try to sue over it," said Seitz.

Until then, all eyes on the environmental studies and permitting process. "We will not get a permit if the streams, the aquifer and the wells are not maintained," said Seitz. "I'm not pro-mining or anti-mining. I just think, 'When we get in an application, we'll use the new law and implement the law, and if they follow it, we'll issue a permit and if they cannot, then we'll have to deny the permit application,'" said Coakley.

James G. Grimes

Assisting the Environmental Protection Agency under a Cooperative Agreement with the National Asian Pacific Center on Aging

Vestlake, Kenneth

From: Grimes, James
Sent: Friday, May 10, 2013 9:05 AM
To: Grimes, James; Haveman, Melanie; Manoyan, Simon; Portanova, Mary; Roy, Stephen; Ruppel, James; Sedlacek, Michael; Wagener, Christine; Westlake, Kenneth
Subject: Gogebic Taconite applies for exploratory mining permit - Duluth News Tribune

Published May 10, 2013, 02:00 AM

Gogebic Taconite applies for exploratory mining permit

A mining company has applied for an exploratory license to begin the process of opening an iron ore mine in northern Wisconsin near Lake Superior.

By: **Associated Press**, Associated Press

MADISON — A mining company has applied for an exploratory license to begin the process of opening an iron ore mine in northern Wisconsin near Lake Superior.

The Wisconsin Department of Natural Resources says Gogebic Taconite submitted the application Thursday.

DNR Waste and Materials Management Program director Ann Coakley says a decision on granting the application will be made within 10 business days as required by the new law passed by the Legislature in March.

If Gogebic obtains a state permit it still must receive federal approval for the mine because it would affect federal wetlands. The U.S. Army Corps of Engineers says that permit process could take up to four years.

Supporters of the mine say it will create jobs while opponents say it will harm the environment.

James G. Grimes

Assisting the Environmental Protection Agency under a Cooperative Agreement with the National Asian Pacific Center on Aging

Westlake, Kenneth

From: Grimes, James
Sent: Thursday, May 09, 2013 9:03 AM
To: Grimes, James; Haveman, Melanie; Manoyan, Simon; Poleck, Thomas; Portanova, Mary; Roy, Stephen; Ruppel, James; Sedlacek, Michael; Wagener, Christine; Westlake, Kenneth
Subject: Iron mine could be ready for production within five years - Ashland Daily Press

Iron mine could be ready for production within five years

- Story
- Comments

Posted: Wednesday, May 8, 2013 11:39 pm

Iron mine could be ready for production within five years By Rick Olivo / Staff Writer

MELLEN — Members of the Ashland-Iron County Joint Mining Impact Committee were told Wednesday evening that iron mining could begin in the Penokee Range in less than five years if the permitting and pre-mining phases of the project go smoothly.

Speaking before an audience filling the Morse Town Hall in Mellen, Gogebic Taconite President Bill Williams said the firm soon plans to submit a notice to the Wisconsin Department of Natural Resources that the company intends to conduct core sampling. He said the DNR would have 10 days to review the request and to issue a permit. Williams said the process of field work is a bit slowed because of the late winter and because of concerns about soggy roads and access to the proposed mining site.

Williams said GTAC intends to do bulk sampling, a process that involves taking about 2 tons of ore in 6- to 8-inch rocks and grinding them up. Analysis of the resulting material would then tell the company a lot about what type of process it would want to put in place for the actual mining.

The firm would then file a notice of intent to mine with the DNR, which would then officially kick off the permit activity. Williams said the company would then begin the process of preparing the mining permit. Once the DNR gets the permit application, it would process it to determine completeness and would have 420 days to review it.

Williams said GTAC anticipates that it would be at least 2½ years before the permitting process would be completed and it would take an additional two years of construction before mining could commence, with an additional six-month period of ramping up operations.

Williams and GTAC engineer Timothy J. Myers were asked a number of questions about the mine and its operations directly by members of the committee and also fielded submitted questions from the audience.

One question concerned the willingness of GTAC to make payments for any possible water pollution.

Williams responded that GTAC would be responsible for such pollution in any case.

Another question about estimated water use brought a response from Williams that because the firm was uncertain exactly what kind of machinery was to be used in the mining process, it wasn't possible yet to give an estimate about how much water would be used.

Williams acknowledged that GTAC had signed a contract with the City of Ironwood to potentially pipe water to the mining site. Williams said the mine would use a recycling method to reuse as much process water as possible. He said additional water, from either the City of Ironwood or high-capacity deep wells, would be used to make up losses from evaporation and other sources.

Williams also said that the cost of production of iron from the mine depended on a large number of variables. He said the bulk sampling process would help to tell them the cost of production. Williams said there would be a need to have a place to stockpile mining tailings, but that the stacked stockpile method to be used by GTAC would be far less land intensive than the tailings ponds used in Minnesota. In latter mining phases, the tailings from a second pit would be used to fill in the first pit. He said the tailings storage method would have to pass DNR approval and would be designed for a 250-year lifetime.

Myers said GTAC would be required not to add any pollution to exceptional quality waters in the area. He also said the company's investigations indicated that there would be very little impact from sulfites, leached metals or asbestos in the mining process.

The two also indicated that the explosives used to blast the iron ore free from the surrounding rock would be a combination of ammonium nitrate and fuel oil, the same substance used nationwide in mining. They also indicated that blasting would be done about once a week when the mine was in full production.

A question about the costs of improving roads brought a reply from Williams that funds from the net mining tax would be used to pay for those kinds of improvements, something that brought laughter from a clearly skeptical portion of the audience.

A question of whether GTAC would be willing to negotiate with local governments through the Mining Impact Committee elicited a response from Williams that "that's got to be a part of the process."

Committee chairman Jeff Ehrhardt told the pair that he was seeking a comprehensive agreement that would deal with a variety of issues, similar to a mining agreement that was executed for a mining project in Ladysmith.

On the topic of unions, Williams said the company was "not going to delegate to workers who represent them."

He also indicated that the mining study area did not include Mount Whittlesey.

Williams and Myers again cited confidentiality agreements as the reason they would not release information about core samples made in the past. Those samples have been sought by mining opponents to see if sulfide material could be detected in the core samples.

James G. Grimes

Assisting the Environmental Protection Agency under a Cooperative Agreement with the National Asian Pacific Center on Aging

Westlake, Kenneth

From: Grimes, James
Sent: Thursday, May 09, 2013 9:03 AM
To: Grimes, James; Haveman, Melanie; Manoyan, Simon; Poleck, Thomas; Portanova, Mary; Roy, Stephen; Ruppel, James; Sedlacek, Michael; Wagener, Christine; Westlake, Kenneth
Subject: Iron mine could be ready for production within five years - Ashland Daily Press

Iron mine could be ready for production within five years

- Story
- Comments

Posted: Wednesday, May 8, 2013 4:39 pm

Iron mine could be ready for production within five years By Rick Olivo / Staff Writer

MELLEN — Members of the Ashland-Iron County Joint Mining Impact Committee were told Wednesday evening that iron mining could begin in the Penokee Range in less than five years if the permitting and pre-mining phases of the project go smoothly.

Speaking before an audience filling the Morse Town Hall in Mellen, Gogebic-Tacoma President Bill Williams said the firm soon plans to submit a notice to the Wisconsin Department of Natural Resources that the company intends to conduct core sampling. He said the DNR would have 10 days to review the request and to issue a permit. Williams said the process of field work is a bit slowed because of the late winter and because of concerns about soggy roads and access to the proposed mining site.

Williams said GTAC intends to do bulk sampling, a process that involves taking about 2 tons of ore in 6- to 8-inch rocks and grinding them up. Analysis of the resulting material would then tell the company a lot about what type of process it would want to put in place for the actual mining.

The firm would then file a notice of intent to mine with the DNR, which would then officially kick off the permit activity. Williams said the company would then begin the process of preparing the mining permit. Once the DNR gets the permit application, it would process it to determine completeness and would have 420 days to review it.

Williams said GTAC anticipates that it would be at least 2½ years before the permitting process would be completed and it would take an additional two years of construction before mining could commence, with an additional six-month period of ramping up operations.

Williams and GTAC engineer Timothy J. Myers were asked a number of questions about the mine and its operations directly by members of the committee and also fielded submitted questions from the audience.

One question concerned the willingness of GTAC to make payments for any possible water pollution.

Williams responded that GTAC would be responsible for such pollution in any case.

Another question about estimated water use brought a response from Williams that because the firm was uncertain exactly what kind of machinery was to be used in the mining process, it wasn't possible yet to give an estimate about how much water would be used.

Williams acknowledged that GTAC had signed a contract with the City of Ironwood to potentially pipe water to the mining site. Williams said the mine would use a recycling method to reuse as much process water as possible. He said additional water, from either the City of Ironwood or high-capacity deep wells, would be used to make up losses from evaporation and other sources.

Williams also said that the cost of production of iron from the mine depended on a large number of variables. He said the bulk sampling process would help to tell them the cost of production. Williams said there would be a need to have a place to stockpile mining tailings, but that the stacked stockpile method to be used by GTAC would be far less land intensive than the tailings ponds used in Minnesota. In latter mining phases, the tailings from a second pit would be used to fill in the first pit. He said the tailings storage method would have to pass DNR approval and would be designed for a 250-year lifetime.

Myers said GTAC would be required not to add any pollution to exceptional quality waters in the area. He also said the company's investigations indicated that there would be very little impact from sulfites, leached metals or asbestos in the mining process.

The two also indicated that the explosives used to blast the iron ore free from the surrounding rock would be a combination of ammonium nitrate and fuel oil, the same substance used nationwide in mining. They also indicated that blasting would be done about once a week when the mine was in full production.

A question about the costs of improving roads brought a reply from Williams that funds from the net mining tax would be used to pay for those kinds of improvements, something that brought laughter from a clearly skeptical portion of the audience.

A question of whether GTAC would be willing to negotiate with local governments through the Mining Impact Committee elicited a response from Williams that "that's got to be a part of the process."

Committee chairman Jeff Ehrhardt told the pair that he was seeking a comprehensive agreement that would deal with a variety of issues, similar to a mining agreement that was executed for a mining project in Ladysmith.

On the topic of unions, Williams said the company was "not going to delegate to workers who represent them."

He also indicated that the mining study area did not include Mount Whittlesey.

Williams and Myers again cited confidentiality agreements as the reason they would not release information about core samples made in the past. Those samples have been sought by mining opponents to see if sulfide material could be detected in the core samples.

James G. Grimes

Assisting the Environmental Protection Agency under a Cooperative Agreement with the National Asian Pacific Center on Aging

Westlake, Kenneth

From: Grimes, James
Sent: Friday, March 29, 2013 8:34 AM
To: Grimes, James; Haveman, Melanie; Manoyan, Simon; Poleck, Thomas; Portanova, Mary; Roy, Stephen; Ruppel, James; Sedlacek, Michael; Wagener, Christine; Westlake, Kenneth
Subject: Test drilling for NW Wisconsin iron mine should start in April - Duluth News Tribune

Published March 29, 2013, 06:49 AM

Test drilling for NW Wisconsin iron mine should start in April

Gogebic Taconite is expected to conduct test drilling on the site of its proposed iron ore mine in Northwestern Wisconsin by the end of April, a state regulator and the company said this week.

By: Lee Bergquist, Milwaukee Journal Sentinel

1.

Gogebic Taconite is expected to conduct test drilling on the site of its proposed iron ore mine in Northwestern Wisconsin by the end of April, a state regulator and the company said this week.

The drilling would be the first work in the field by the company after state mining legislation was signed into law earlier this month.

The \$1.5 billion iron ore mine would be located over a four-mile area of Ashland and Iron counties.

Bill Williams, president of Gogebic, said Thursday that the company plans to bore 13 holes totaling about 10,000 feet. The deepest: 1,200 feet, pitched at an angle, because the mine would also be dug at an angle into the Penoque Hills — not straight down.

Gogebic is waiting to file its permit until the deep snow pack melts.

Ann Coakley, the top mining regulator with the Wisconsin Department of Natural Resources, said that the agency must inspect the locations where drilling will occur to judge the potential environmental impact of the work.

"We will look at each boring to make sure they are avoiding wetlands," Coakley said.

Williams said the holes all will be dug along logging roads in the Penoque Hills, part of the Gogebic Range, where the company hopes to one day mine iron ore.

Williams said the company also is expected to start another type of digging later this year — a rock analysis known as bulk sampling, in which larger quantities of rock are dug up.

That could lay the groundwork for the company to submit an application for a mining permit to the DNR as early as 2014.

The new mining law specifies that an applicant has to wait a year after getting a bulk mining permit to submit a mine application.

Bulk samples of rock are taken so that Gogebic can conduct tests in processing iron ore into higher grade taconite. Taconite is a staple in the manufacturing of steel.

Williams said it would be optimistic to expect the company to have all of its data ready for submitting an application in 2014.

Gogebic also will start work this spring on its environmental analysis, including studies of plant and animal life in the area, identifying all wetlands and waterways and conducting tests of the groundwater.

Williams said groundwater-related work probably will take longer than this year and could delay the company's application.

The mine would operate for at least 35 years. Gogebic has said the project would generate 700 jobs, and all told would create more than 2,800 jobs in trucking, housing and other industries.

Opponents have questioned the jobs claim and say they believe legislation that relaxed some environmental regulations for iron mining will result in a mine harming the Bad River watershed. The river flows north from the area of the proposed mine into Lake Superior.

Legal experts expect opponents to file a lawsuit at some point in the process. The Bad River Band of Lake Superior Chippewa's reservation lies just downstream from the mine site and members fear runoff from waste rock will pollute their water. As a sovereign nation, the tribe could bring forth a host of unique environmental rights in court.

After the mining legislation passed earlier this month, Bad River Band Chairman Mike Wiggins Jr. promised "active resistance" that could include filing lawsuits to stop the permitting process or occupying the mine site.

The band has started soliciting donations on its website, under a headline that reads "Help us prevent mining in the Bad River Watershed by donating today!"

Gogebic Taconite is a subsidiary of Cline Resource and Development, which controls large coal reserves in Illinois and parts of the Appalachian region.

Gogebic has an option on mineral rights from a group of companies led by La Pointe Iron Co. of Hibbing and RGGS Land & Minerals Ltd. of Houston.

La Point, RGGS and another former owner, U.S. Steel, actively have been marketing the mineral rights for years.

Much already is known about the Penokee iron-ore deposit from exploration work done by U.S. Steel half a century ago. While that information remains proprietary, Wisconsin U.S. Geological Survey Assistant Director Tom Evans said Gogebic Taconite has those records. But he said they will need to drill to find out more, to fill in gaps in existing data.

Wisconsin Public Radio and the Associated Press contributed to this report.

Westlake, Kenneth

From: Grimes, James
Sent: Monday, March 11, 2013 8:29 AM
To: Grimes, James; Haveman, Melanie; Manoyan, Simon; Poleck, Thomas; Portanova, Mary; Roy, Stephen; Ruppel, James; Sedlacek, Michael; Wagener, Christine; Westlake, Kenneth
Subject: FW: WAOW

James G. Grimes

Assisting the Environmental Protection Agency under a Cooperative Agreement with the National Asian Pacific Center on Aging

From: James Grimes [mailto:xjg@att.net]
Sent: Sunday, March 10, 2013 2:04 PM
To: Grimes, James
Subject: WAOW

Video at <http://www.waow.com/story/21558936/2013/03/08/gov-walker-to-sign-mining-bill-in-rhineland>

Gov. Walker to sign mining bill in Rhineland

Posted: Mar 08, 2013 5:04 PM CST

By Daniel Woodruff, Anchor, Multimedia Journalist

Gov. Scott Walker plans to sign the newly-passed mining bill on Monday in Rhineland, according to a news release from the governor's office.

The bill passed in the State Assembly late Thursday evening, 58 to 39, following a marathon day of more than nine hours of debate.

"I'm incredibly proud of the fact that the Assembly, after over a year's debate on a really important issue for Wisconsin's working families, was able to pass a great bill," said Assembly Speaker Robin Vos (R-Burlington), following the bill's passage Thursday.

Republicans strongly supported the bill that will ease the path for a Florida company, Gogebic Taconite, to open a giant iron-ore mine, just south of Lake Superior. They say it will bring thousands of jobs to the state.

But opponents say the mine will devastate the environment. Many Democrats spoke against the bill Thursday and tried many times—unsuccessfully—to change it.

"I think if we were doing our job today we would have listened, we would have amended this bill, and we would have sent it back for some more work," said State Rep. Fred Clark (D-Baraboo) on Thursday.

Gov. Walker plans to sign the mining bill on Monday, March 11, at Oldenburg Group Inc. in Rhineland at 1:10 p.m., according to the governor's office. A ceremonial signing in Milwaukee will take place later that day.

Westlake, Kenneth

From: Cozza, Daniel
Sent: Friday, March 01, 2013 8:46 AM
To: Hyde, Tinka; Henry, Timothy; Roy, Stephen; Wester, Barbara; Westlake, Kenneth
Subject: FYI: FW: Wisconsin Senate Narrowly Approves Controversial 'Mining for Jobs' Legislation

Forwarded from Steve Hoffman in EPA HQ

Daniel J. Cozza
Section 1 Chief, State and Tribal Programs Branch
Water Division, U.S. Environmental Protection Agency
77 W. Jackson Blvd. Chicago, IL 60604 WS-15J
312-886-7252
cozza.daniel@epa.gov

From: Hoffman, Stephen
Sent: Friday, March 01, 2013 8:28 AM
To: Cozza, Daniel; Suriano, Elaine; Housman, Van
Subject: Wisconsin Senate Narrowly Approves Controversial 'Mining for Jobs' Legislation

This bill is in direct conflict with EPA/Army Corp wetlands jurisdiction.

Wisconsin Senate Narrowly Approves
Controversial 'Mining for Jobs' Legislation

BNA Snapshot

Wisconsin Bill on Mine Permits

Key Development: The Wisconsin Senate passes a major revision to state mining statutes which would permit the development of the proposed Gogebic Taconite iron mine in Northern Wisconsin.

Potential Impact: Business interests argue the proposed law streamlines the permitting processes associated with ferrous metallic mining, but conservation groups say the measure marginalizes public input and slashes environmental protections.

By Michael Bologna

CHICAGO—The Wisconsin Senate has narrowly approved legislation overhauling the permitting process for ferrous metallic mines and loosening environmental controls for mining operations.

The measure moved Gov. Scott Walker (R) one step closer to achieving his goal of seeing a major open-pit iron ore mine in northern Wisconsin.

The Senate voted 17-16 on Feb. 27 to approve Senate Bill 1, the "mining-for-jobs bill."

Senate approval had been the primary stumbling block in 2012 when lawmakers debated similar legislation that failed by a single vote ([12 DEN A-16, 1/17/13](#)).

S.B. 1 now goes to the Assembly, which supported the legislation last year.

Walker is expected to sign S.B. 1. The governor has spent months demanding a mining reform bill to accommodate an iron mining proposal in northern Wisconsin. Gogebic Taconite LLC has proposed a \$1.5 billion project aimed at producing taconite pellets.

Republican lawmakers and business groups have touted the project as a vehicle for creating thousands of temporary construction and permanent mining jobs.

"Today, after nearly two years of public debate, Senate Republicans passed a bill that opens the door for thousands of jobs while protecting our natural resources," commented Senate Majority Leader Scott Fitzgerald (R). "It's a shame that Democrats chose to put politics ahead of jobs today for the sake of partisan politics."

Would Address Permit Processing Timeline

A key feature of S.B. 1 addresses the timeline by which the Wisconsin Department of Natural Resources processes mining permits. The current process is not subject to statutory deadlines—a factor that frustrated Gogebic officials. The proposed law would require DNR to issue or deny a mining permit no more than 420 days after the date on which an application is deemed administratively complete.

In addition, S.B. 1 would limit the grounds by which the DNR could deny a mining permit.

Sen. Tim Cullen (D) predicted the bill would be mired in litigation if enacted in its current form due to conflicts with the Army Corps of Engineers' permitting requirements. He noted that S.B. 1 presumes the destruction of wetlands to be "necessary," a major shift from current law. He noted that the corps, which holds federal permitting authority in certain wetland areas, has said it cannot work with Wisconsin regulators acting under such presumptions.

"This bill's complete oversight of the fact that Wisconsin is not the only player in the permitting process—along with environmental shortcomings—all but ensures that this bill will never lead to jobs in Wisconsin," Cullen said in a statement.

The Senate's action was widely denounced by environmental groups and tribal leaders, who described S.B. 1 as special interest legislation designed to exempt Gogebic from longstanding permitting and environmental processes.

"It has been deeply disappointing to see how the power of special interest money so blatantly trumped the voices of Wisconsin citizens," said Kimberlee Wright, executive director of Midwest Environmental Advocates. "The majority has thumbed their noses at science and the democratic process in voting for this legislation."

By Michael Bologna

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DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL MINNESOTA 55101-1678

JAN 14 2013

REPLY TO
ATTENTION OF

Operations
Regulatory

Senator Tim Cullen
108 South, State Capitol
P.O. Box 7882
Madison, Wisconsin 53707-7882

Dear Senator Cullen:

I am writing to follow up on the St. Paul District Corps of Engineers Regulatory Branch (Corps) September 18th testimony and my December 6th, 2012 letter regarding the Corps process for review of ferrous mining proposals that would require impacts to Waters of the U.S. Enclosed is information addressing the 2012 Senate Select Committee on Mining's informational requests regarding: 1) the use of an extended master hearing for dispute resolution between mining applicants and the Wisconsin Department of Natural Resources (WDNR); 2) compensatory wetland mitigation; and 3) potential efficiencies in state/federal environmental review. I hope that you find this information useful.

Further, it has come to my attention that a bill is anticipated to be reviewed by the legislature that is similar to the original bill (AB426) passed by the Assembly last session. I offer the following information relative to our process which may be affected by passage of AB426:

1. It is my desire to continue to coordinate federal permit evaluations with the state to the fullest extent possible, although not required by current federal regulations.¹ Should the state process incorporate mandatory review and/or permit decision time frames, we may be unable to conduct a joint state/federal environmental review. I have enclosed information regarding our average review timeframes for mining for your information.
2. Waters subject to the requirements of Section 404 of the federal Clean Water Act (CWA) include many wetlands and also most rivers, lakes, and streams. Section 404 CWA authorizations issued by the Corps require that the applicant obtain either a water quality certification or a waiver under Section 401 of the CWA. In the state of Wisconsin, the WDNR has authority under Section 401 of the CWA to determine whether proposed actions subject to CWA Section 404 comply with state water quality standards.

¹ 40 Code of Federal Regulations Part 1506.2(b).

3. Corps review of an application under CWA Section 404 requires multiple analyses, including compliance with National Environmental Policy Act (NEPA), compliance with the CWA Section 404(b)(1) Guidelines,² and a finding that the proposal is not contrary to the public interest.³ As part of the public interest review, the Corps must balance the benefits and detriments that the proposed project is likely to have on various factors, with heavier weight ascribed to those factors which can be more closely tied to our permit action.
4. The Section 404(b)(1) guidelines require that all non-water dependent activities proposed in special aquatic sites (such as wetlands) overcome the presumption that an upland alternative is available and capable of being implemented, and that such an alternative would be less damaging on the aquatic ecosystem. Ferrous mining activities are not considered a water dependent activity and thus must overcome both presumptions to qualify for CWA Section 404 authorization. This is fundamentally different from the baseline position in AB426, which requires the WDNR to assume that significant impacts to wetlands are necessary.
5. The quality of information provided during our review is integral to making sound, educated permit decisions. Poor or missing information is a frequent cause for extended review timeframes. Completeness determinations which do not consider the quality of the information provided may ultimately result in longer review time frames, and greater difficulty in determining whether the proposal is permissible.
6. The Corps routinely conditions authorizations to ensure that projects are completed in compliance with federal regulatory requirements and standards for approval. Compensatory mitigation requirements are routinely included as special conditions in our permits to ensure that compensation for aquatic resource impacts is completed in a timely manner, and meets specifications.
7. Compensatory mitigation is often needed for impacts to aquatic resources, including wetlands, rivers, lakes, and streams. The federal mitigation rule⁴ prioritizes compensatory mitigation that fits a watershed approach, which considers location, function, and timing. Decisions regarding the appropriateness of open water compensatory mitigation are project-specific, often difficult, and complicated. Legislating state requirements for this type of compensation may result in requirements for applicants to provide multiple forms of compensatory mitigation to satisfy both federal and state requirements.
8. To satisfy CWA Section 404 CWA requirements, alternatives for siting of ancillary features, such as processing facilities, may not be arbitrarily restricted to areas contiguous with an ore deposit. The Corps requires consideration of all practicable alternatives that meet the project purposes, and may only authorize the alternative that is least damaging to aquatic resources.
9. Finally, our standard process for completion of an Environmental Impact Statement (EIS) includes hiring a third party consultant selected by the Corps and paid by the applicant. While funded by the applicant, the consultant is under Corps direction while preparing the EIS. If a joint state/federal EIS is pursued,

² 40 Code of Federal Regulations Part 230.

³ 33 Code of Federal Regulations Part 320.

⁴ 30 Code of Federal Regulations Part 332.

Operations – Regulatory
Ferrous Mining, January 2013

the state agency would participate in preparing the scope of work, selecting the consultant, and directing the work.

For many years, the WDNR has been a valuable partner in the regulation of waters and wetlands in Wisconsin, and we will continue to coordinate state and federal permit evaluations to the maximum extent possible under federal and state law. We remain interested in, and available for, discussions regarding options to streamline the State's regulatory programs as they relate to aquatic resources.

As the legislature contemplates changes to Wisconsin's ferrous mining law, I hope that you find value in the information provided regarding our program. Please feel free to contact me at (651) 290-5197 if you have any questions or are in need of further information. You may also contact Ms. Rebecca Graser at (262) 717-9345, extension 3.

Sincerely,



Tamara E. Cameron
Regulatory Branch Chief
St. Paul District Corps of Engineers

Enclosures:
Committee Response;
EIS timeframes.

Copy furnished:
Assembly Speaker Robin Vos;
Assembly Leader Scott Suder;
Senate President Michael Ellis;
Senate Leader Scott Fitzgerald;
Senator Thomas Tiffany – Committee Chair, Workforce Development, Forestry, Mining, and Revenue;
Ann Coakley, WDNR; and
Erin O'Brien, Wisconsin Wetlands Association.



US Army Corps
of Engineers,
St. Paul District

St. Paul District Regulatory Branch U.S. Army Corps of Engineers (Corps) Follow Up Information to Wisconsin Senate Select Committee on Mining

STATE ADMINISTRATIVE LAW JUDGE (ALJ) OVERSIGHT

Dr. Evans requested the Senate Select Committee on Mining consider the idea of implementing an extended master hearing presided over by an administrative law judge (ALJ).

This process is utilized in the State of Michigan; however, the State Department of Environmental Quality has assumed the Clean Water Act (CWA) Section 404 permit program within that state. Any outcomes from the suggested hearing process would not be binding on the federal permit process. The Corps may consider these outcomes in our permit review process to the extent allowed under federal regulations. The extent this process may affect joint environmental review is highly dependent upon the type of decision points used in the hearing process.

Depending on how the ALJ process would be implemented, the time required to prepare an Environmental Impact Statement (EIS) may not be reduced. Additional time added into the overall approval process could accrue from additional public noticing requirements, restricted ALJ availability, ALJ review of existing information, ALJ receipt of testimony, and decision-making by the ALJ.

COMPENSATORY MITIGATION REQUIREMENTS.

Routinely, CWA Section 404 authorizations require applicants to provide compensatory mitigation for unavoidable impacts to aquatic resources (e.g. wetlands, lakes, or streams). Compensatory mitigation is not restricted to scenarios where aquatic resource loss is deemed significant. The Corps regulations for compensatory mitigation (the Mitigation Rule¹) direct staff to utilize a watershed approach. This approach sets a preference for mitigation that is in the same watershed as the proposed impacts, that provides similar functions to those impacted by the proposed project, and that limits temporal loss of aquatic resource function. Thus, in general, the Corps preference for compensatory mitigation favors debiting from an existing bank within the same watershed as the impact, provided that the bank has credits available that match the cover type proposed to be impacted. If no mitigation bank with suitable existing credit is available within the watershed, the Corps will require the applicant to pursue site-specific compensatory mitigation (i.e. permittee-responsible mitigation).

Permittee-responsible compensatory mitigation is most frequently completed for a specific project on lands owned by the permittee. While not required by regulation, the Corps will work with the WDNR to jointly review proposed compensatory mitigation projects that would satisfy both agency requirements. The Corps prefers restoration of previously existing wetlands, although rehabilitation, enhancement, and sometimes wetland preservation are acceptable forms of compensatory mitigation. Creation of wetlands where none previously existed is typically not approved by the Corps, as these sites often fail to meet performance criteria and must be corrected via additional mitigation requirements. The Corps prioritizes permittee-responsible projects that provide replacement of lost functions in the watershed with minimal temporal loss. Permittee-responsible compensatory mitigation projects require advance approval by the Corps, at least five years of monitoring with annual reporting to the Corps, site protections in perpetuity via a conservation easement, and may require financial assurances. Permittee-responsible compensatory mitigation often requires maintenance during and after monitoring.

¹ 33 Code of Federal Regulations Part 332.

<http://www.mvp.usace.army.mil/regulatory/>



US Army Corps
of Engineers,
St. Paul District

St. Paul District Regulatory Branch U.S. Army Corps of Engineers (Corps) Follow Up Information to Wisconsin Senate Select Committee on Mining

EFFICIENCIES DURING ENVIRONMENTAL IMPACT STATEMENT (EIS) DEVELOPMENT.

One of the biggest potential efficiencies in state/federal permit evaluations associated with ferrous mining proposals is collaborative generation of an EIS. The Corps and the WDNR routinely interact closely when evaluating large, complicated projects. Collaboration during development of an EIS allows for generation of a single document which may be utilized by both agencies to inform the public and make permit decisions.

Execution of agreements between lead agencies and cooperating agencies participating in the generation of an EIS may streamline the process by providing a vehicle to describe the responsibilities of each agency. These agreements also may spell out procedures which may be utilized to resolve conflict. Careful attention should be paid to selection of cooperating agencies, to include those with subject matter expertise, regulatory authority, and/or jurisdiction over the proposed activity. Use of a Gantt chart or similar tracking roadmap should be developed by the co-leads and may be referenced in an agreement to direct and track progress and view inter-related actions.

A more efficient process may be realized if generalized information is available to potential applicants listing the typical permit processes and informational needs required when considering a ferrous mining project. This approach is best developed in consultation with all parties with a stake in the development of an EIS, with applicable regulatory authority, or jurisdiction. This effort should provide a holistic understanding of the permitting and environmental review process for prospective applicants and can identify environmental questions that may have to be considered and answered at various points in the process. This information may provide standardized information to clarify the typical environmental data that may be required, including timelines for collecting data and the application process.

Finally, while it is at the discretion of an applicant when to apply for authorization, our process moves more swiftly when accurate, complete information is provided with the permit application. While generalized information discussed above may provide some good information to direct generation of the application and EIS materials, project-specific informational requirements are typical.

Key Corps Regulatory Staff serving Wisconsin

- Branch Chief: Tamara Cameron (800) 290-5847, extension 5197, or 651-290-5197
- State Program Manager: Rebecca Graser (262) 717-9531, extension 3
- NE Section Chief: Jeff Olson (651) 290-5311
- SW Section Chief: Chad Konickson (651) 290-5364
- SE Section Chief: Todd Vesperman (920) 448-2824, extension 5857



US Army Corps
of Engineers
St. Paul District

U.S. Army Corps of Engineers Environmental Review Timeframe for Ferrous Mine Proposals

November 2011, Regulatory Branch

General Timeline¹ for Environmental Review Requirements for Ferrous Mine Proposals (EIS's)

The environmental review and permit evaluation process for ferrous mine proposals generally takes from 2 to 4 years, or more, to complete.

1. Notice of Intent (NOI) to conduct an EIS & scoping for the EIS - approximately 2 months.
2. Obtaining a 3rd-party contractor to prepare the EIS (as guided by the Corps) takes approximately 3 months. The cost of preparing a 3rd party EIS from initial scoping through completion of the Final EIS varies, but it can exceed several million dollars, depending on the scope of the proposal and the range of potential environmental impacts.
3. Preparation of the draft EIS historically has taken 9 to 18 months. Project changes or the need for additional information can extend this time frame, as discussed further below.
4. Distribution of a draft EIS with a 45 day comment period - approximately 2 months.
5. Responding to comments and preparing a final EIS takes approximately 2 – 6 months (provided no new information needs to be collected). Comment responses that lead to additional analyses of environmental impacts can add significant additional time to the preparation of the Final EIS.
6. Preparing a final EIS notice of availability with a 30 day comment period takes approximately 2 months.
7. Preparing a Record of Decision (Permit Decision) takes approximately 3 months.

Additional Environmental Review and Permit Evaluation Requirements

Additional time is required when the environmental review conducted during the development of the EIS identifies issues that need further evaluation, such as:

- Cumulative and/or indirect wetland impacts analyses
- Analysis of alternatives and compensatory mitigation proposals
- Section 106 Consultation procedures under the National Historic Preservation Act for projects that could cause adverse effects to historic properties or cultural resources.
- Tribal Consultation procedures to identify resources of special importance to Indian Tribes.
- Section 7 Consultation procedures under the Endangered Species Act for projects that could cause adverse effects to federally-listed threatened or endangered species. If Section 7 Consultation is requested by the US Fish and Wildlife Service (USFWS), a Biological Assessment (BA) of the impact is prepared. The USFWS reviews the BA and issues a Biological Opinion (BO) on the effect.

Key Corps Regulatory Staff serving Wisconsin

- Tamara Cameron, Branch Chief (800) 290 - 5847, extension 5197, or (651) 290-5197
- State Program Manager: Rebecca Graser (262) 717-9531, extension 3
- NE Section Chief: Jeff Olson (651) 290-5311
- SW Section Chief: Chad Konickson (651) 290-5364
- SE Section Chief: Todd Vesperman (651) 290-5857

¹ The timelines above are estimates and should be considered minimum timeframes for each process for most ferrous mine proposals. The completion of individual studies, such as the development of groundwater models, water quality studies, or other project-specific studies undertake to identify environmental impacts and assess effects can significantly lengthen EIS schedules.

Westlake, Kenneth

From: Grimes, James
Sent: Tuesday, February 19, 2013 10:10 AM
To: Darrow, Jennifer; Grimes, James; Haveman, Melanie; Manoyan, Simon; Poleck, Thomas; Portanova, Mary; Roy, Stephen; Ruppel, James; Sedlacek, Michael; Wagener, Christine; Westlake, Kenneth
Subject: Duluth News Tribune

Published February 19, 2013, 05:27 AM

Walker, Norquist against Democratic mining tax bill in Wisconsin

The fight between Wisconsin Democratic and Republican mining bills has shifted from environmental concerns to how the state would tax a mining company. That argument took a strange twist last week when Americans for Tax Reform leader Grover Norquist entered the debate.

By: **Mike Simonson**, Wisconsin Public Radio

The fight between Wisconsin Democratic and Republican mining bills has shifted from environmental concerns to how the state would tax a mining company. That argument took a strange twist last week when Americans for Tax Reform leader Grover Norquist entered the debate.

The proposed Democratic bill says mining companies should be taxed on the amount of minerals taken out of the ground, called a "gross tonnage tax." The Republican bill would tax final profits by a mining company.

Republican state Senator Dale Schultz of Richland Center, who has co-sponsored a bipartisan mining bill with Sens. Bob Jauch, D-Poplar, and Tim Cullen, D-Janesville, said that's giving away natural resources because companies can make the annual bottom line appear as if they hadn't made a profit.

"All kinds of accountants and businesspeople have raised their eyebrows over this and said companies have found ways to avoid paying taxes," Schultz said. "It might be 10 years, if ever, before this is profitable."

But Gov. Scott Walker says no way to a gross tonnage tax.

"I'm not going to issue veto threats on legislation or amendments that haven't yet been offered, but I can tell you I can't support that and, whether it's here or to the budget or anywhere else, I would do what is necessary to ensure that we don't have a new tax as part of the

mining legislation," Walker said.

Enter Grover Norquist of Americans for Tax Reform. He sent e-mails to all Wisconsin Republican lawmakers last week telling them not to vote for the Democratic tax, saying it amounts to a tax increase and violates their "no-new-taxes" pledge.

Schultz got that e-mail.

"I was absolutely blown away," Schultz said. "For a guy who has not exactly covered himself in glory with the fiscal cliff deal in Washington, it looks like he's looking for more fertile grounds in Wisconsin."

Schultz said this shows that the Republican iron ore mining bill in Wisconsin now has national interest with its net profits tax. If passed in Wisconsin without the tonnage tax, it could become a national model. The gross tonnage tax is the same kind of tax used in Minnesota and Michigan on iron ore mining companies.

Wisconsin Public Radio is carrying today's Senate mining committee debate live on WUWS in Ashland (90.9 FM) and KUWS in Superior (91.3 FM) in cooperation with Wisconsin Eye. The mining committees will debate the bills starting at 10 a.m.

WI Mining Bill

COE - St. Paul 681-290-5197

2/11/13 4²⁰ Tamara Cameron - returning her email

Bharat wants to talk to Col. Price re: mining.
Tamara wanted to know what about.

Before calling Tamara back, I went to see Bharat, who said that the call was scheduled for 4³⁰.

EPA plans to send a letter to WI Gov. Walker, spelling out that federal authorities related to mining need to be protected as WI debates revisions to the state mining law. EPA wants to invite the Corps to cosign such a letter.

Tamara reported that COE has been providing information to WI legislators to explain COE's authorities and processes regarding hard rock mining. For example, if WI law were to dictate specific timeframes for completing review and action on an application for a state permit to mine from WDNR, that could limit or foreclose the opportunity for COE and WDNR to do a joint Federal-State EIS. COE experience with MN iron/taconite mines in recent years is that the process takes 2-4 years from initial preapplication discussions with the mining company through completion of a COE EIS. Then COE still has to complete the 404 permit process.

On the subject of a joint letter, Tamara thinks separate letters with agency-specific responsibilities and processes might be clearer, more effective.

She'll send me a fact sheet that COE provided to WI legislature.

Bharat 2/12/13 8¹⁵ (in elevator).

He spoke w/ Col. Price late yesterday. They agreed to produce and sign a joint letter.
Tamara is drafting the letter.

U.S. Army Corps of Engineers (Corps) Information Relating to Ferrous Mine Proposal Reviews

January 2013, Regulatory Branch

St. Paul District



US Army Corps
of Engineers

General Timeline¹ for Environmental Review Requirements for Ferrous Mine Proposals

The environmental review and permit evaluation process for ferrous mine proposals generally takes from 2 to 4 years, or more, to complete. After an application is filed, development of an EIS includes seven steps:

1. Notice of Intent (NOI) to prepare an EIS & scoping for the EIS - approximately 2 months.
2. Obtaining a 3rd-party contractor to prepare the EIS (as guided by the Corps) takes approximately 3 months. The cost of preparing a 3rd party EIS varies, but it can exceed several million dollars, depending on the scope of the proposal and the range of potential environmental impacts.
3. Preparation of the draft EIS historically has taken 9 to 18 months. Project changes or the need for additional information can extend this time frame, as discussed further below.
4. Distribution of a draft EIS with a 45 day comment period - approximately 2 months.
5. Responding to comments and preparing a final EIS takes approximately 2 – 6 months (provided no new information needs to be collected). Comment responses that lead to additional analyses of environmental impacts can add significant additional time to the preparation of the final EIS.
6. Preparing a final EIS notice of availability with a 30 day comment period takes approximately 2 months.
7. Preparing a Record of Decision (Permit Decision) takes approximately 3 months.

Council on Environmental Quality and Corps regulations for completion of an EIS are located at 40 Code of Federal Regulations (CFR) Part 1500-1508, 33 CFR Part 230, and 33 CFR Part 325, Appendix B.

Compensatory Mitigation Requirements (33 Code of Federal Regulations Part 332)

Compensatory mitigation (mitigation) is often required for unavoidable, minimized impacts to aquatic resources, including wetlands, rivers, and streams. It is not restricted to scenarios where aquatic resource loss is deemed significant, nor is it restricted to federally regulated waters.

1. The Corps prioritizes mitigation that follows a watershed approach.
2. Mitigation that is in-place, in-kind, and in-advance relative to the proposed loss is preferred.
3. Replacement ratios are often used as a surrogate for determining the amount of mitigation required; however, the primary goal of mitigation is replacement of lost aquatic resource functions.

Analysis of Alternatives (40 Code of Federal Regulations Part 230 and 1502)

1. As part of the NEPA process, the Corps evaluates all reasonable and feasible alternatives, resulting in selection of an environmentally preferred alternative which best avoids or minimizes adverse effects to the quality of the human environment. This alternative is further evaluated for compliance with the 404(b)(1) guidelines and subject to a public interest review.
2. Any authorized impact must not have a practicable alternative with less adverse impact on the aquatic ecosystem, provided that there are not other significantly adverse environmental consequences.
3. In general, practicable alternatives to locate ferrous mining processing plants or other facilities are not restricted to locations at or immediately adjacent to the mine site.
4. Applicants would be required to provide a robust alternatives analysis for ancillary features of a mine

U.S. Army Corps of Engineers (Corps) Information Relating to Ferrous Mine Proposal Reviews

January 2013, Regulatory Branch

St. Paul District



US Army Corps
of Engineers

site when those facilities impact wetlands.

Corps Contact for Additional Information: State Program Manager, Rebecca Graser, phone number (262) 717-9531, extension 3, or email Rebecca.M.Graser@usace.army.mil.

¹ *The timelines above are estimates based on EIS reviews completed in MN and should be considered minimum timeframes for each process for most ferrous mine proposals. The completion of individual studies, such as the development of groundwater models, water quality studies, or other project-specific studies undertaken to identify environmental impacts and assess effects can significantly lengthen EIS schedules.*




WSAW.com

James Grimes to: Kenneth Westlake, Simon Manoyan,
Michael Sedlacek, Melanie Haveman,
Christine Wagener, Thomas Poleck, James

02/07/2013 09:20 AM

From: James Grimes/R5/USEPA/US
To: Kenneth Westlake/R5/USEPA/US@EPA, Simon Manoyan/R5/USEPA/US@EPA, Michael
Sedlacek/R5/USEPA/US@EPA, Melanie Haveman/R5/USEPA/US@EPA, Christine
Wagener/R5/USEPA/US@EPA, Thomas Poleck/R5/USEPA/US@EPA, James

Sender	Date	Subject
 James Grimes	02/07/2013 09:20 AM	WSAW.com

Posted: Wed 3:46 PM, Feb 06, 2013

UPDATE: GOP-backed Mining Bill Clears Senate committee

UPDATE: 2/6 at 3:46 pm

MADISON, Wis. (AP) -- A state Senate committee has approved a Republican bill designed to make it easier to open a massive new iron mine near Lake Superior.

The bill passed the Senate mining committee on a 3-2 party line vote Wednesday. The Assembly mining committee passed the same bill on a 10-6 party line vote earlier in the day. The votes send the measure on to the Legislature's finance committee, the last stop before the measure goes to the full Senate and Assembly.

Republicans insist the bill will help create hundreds if not thousands of jobs. Democrats counter the legislation is moving too quickly, relaxes environmental protections and won't create the jobs Republicans say it will.

Republicans made a number of revisions to the bill Wednesday they say address critics' concerns.

ORIGINAL POST 2/6 at 10:03 am

MADISON, Wis. (AP) -- Assembly Democrats want to delay any action for at least a month on a bill designed to pave the way for a new iron ore mine to be opened in northern Wisconsin.

Democrats objected Wednesday at the beginning of a committee meeting to vote on changes to the bill. Democrats asked for the panel to adjourn and reconvene a month later.

But Republicans who control the committee moved ahead with discussion of the amendments being offered by the bill's GOP sponsors.

A Senate committee is also considering the bill Wednesday.

Republican lawmakers and Gov. Scott Walker are hoping to act quickly on the measure, which they say will improve the state's regulatory process and lead to the creation of hundreds of jobs at a new mining site near Lake Superior.

James G. Grimes

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JSOnline

James Grimes to: Kenneth Westlake, Simon Manoyan,
Michael Sedlacek, Melanie Haveman,
Christine Wagener, Thomas Poleck, James

01/28/2013 12:43 PM

From: James Grimes/R5/USEPA/US
To: Kenneth Westlake/R5/USEPA/US@EPA, Simon Manoyan/R5/USEPA/US@EPA, Michael Sedlacek/R5/USEPA/US@EPA, Melanie Haveman/R5/USEPA/US@EPA, Christine Wagener/R5/USEPA/US@EPA, Thomas Poleck/R5/USEPA/US@EPA, James

Sender	Date	Subject
 James Grimes	01/28/2013 12:43 PM	JSOnline

Q&A digs into state mining bill debate

By Lee Bergquist of the Journal Sentinel

Jan. 27, 2013

The battle in Wisconsin to write a new mining law is one of the defining political issues of the year.

It's seen as either giving a big jolt to the northern economy, or laying the groundwork for environmental peril.

Republicans have introduced a bill for the second time in two years that relaxes environmental protections and sets timelines for the state Department of Natural Resources to make decisions for an applicant for a mining project.

A second bill by Democrats offers more modest changes.

The impetus: A mining company, Gogebic Taconite of Hurley, is demanding changes in state mining law before it applies for a mining permit.

Here are some questions and answers to issues that have swirled around the mining debate:

Q. What kind of mining project is being proposed?

A. So far, nothing's been formally proposed. This has frustrated some lawmakers, who are being asked to rewrite mining laws largely for a single company that won't detail a formal proposal.

with the state until a new law passes.

Gogebic has provided some details for a \$1.5 billion open pit mine, however.

The first phase would operate for an estimated 35 years. The pit, plunging 1,000 feet deep, would cover 4 miles in Ashland and Iron counties.

The ore deposit dips steeply into the rock - not in wide bands - and contains 20% to 30% magnetite, according to the DNR.

Gogebic also would construct an industrial-size facility that would break down the rock and concentrate the ore into pellets used to make steel.

Q. What about jobs?

A. Gogebic said the mine would employ about 700 workers. The average pay and benefits would total \$82,984, according to the company. Its consultant, Northstar Economics Inc., estimated that the multiplier effect from the mine would stimulate a total of 2,834 long-term jobs.

Backers say the mine would help suppliers and manufacturing elsewhere in the state, such as Milwaukee's mining equipment sector.

Q. What does Gogebic want from lawmakers?

A. First, any bill that becomes law would apply to future companies that want to mine iron in the state.

Gogebic initially expressed concern that existing law is so open-ended that it might be forced to wait a decade for the DNR to review a permit.

The Republican bill would give the DNR 420 days for review. It would also push back a quasi-judicial process known as a contested case hearing - where the public can challenge the claims of a potential operator - until after the DNR decides the case.

A Democratic bill from Sen. Tim Cullen (D-Janesville) gives the DNR more time - at least two years. The hearing would occur before a final decision. Supporters say it keeps the burden on the company to defend the data in its application.

Q. Aren't there other agencies that will have a say in whether a mine will be built?

A. Yes. The U.S. Army Corps of Engineers, which has said it may need more time to evaluate Gogebic's project than the Republican bill allows. Also, the U.S. Environmental Protection Agency has the responsibility to enforce water quality standards set by the Bad River band of Lake Superior Chippewa, which is opposed to the mine. The tribe is downstream in the Bad River watershed.

Q. Besides timelines, what are the environmental issues?

A. The changes pushed by mine backers are meant to give a mining company more flexibility to operate.

One provision would drop certain conditions that an applicant would have to satisfy before it gets the go-ahead to start mining in sulfide ore bodies. The conditions are so demanding that they are referred to as the state's "mining moratorium law."

Sulfide deposits in rock where Gogebic wants to mine could potentially harm local waters.

Also, the pro-mining bill would allow certain lake beds to be filled. Wetlands could be destroyed. There are exemptions from existing environmental regulations, and language is more subjective.

The Democratic bill keeps existing environmental regulations in place.

The Republican bill is "clearly intended to require the DNR to be more permissive when it comes to authorizing private companies to adversely impact our wetlands and navigable waters," Cullen said in a statement.

But mine backers dispute this.

"We've heard a lot about rolling back standards - and that's just not true," said Scott Manley, vice president of government relations at Wisconsin Manufacturers & Commerce.

No numerical environmental standards for various pollutants are changed. Also, new wetlands have to be created elsewhere if existing wetlands are destroyed.

And it might sound like a mine operator could fill in an entire lake, but Manley said it won't because other language would essentially forbid it.

Instead, the changes would allow a mine to dump rock on a small body of water like a puddle that in existing state law has the same protections as a lake with cottages around it, he said.

Q. Why the attention to sulfides?

A. Sulfide deposits can react with air and water to cause acid mine drainage, damaging surface and groundwater, if tainted water is not contained or neutralized.

Lawrence University geologist Marcia Bjornerud used geological data and rock samples from the Gogebic site, and nearby, to calculate how much waste rock would hold sulfides.

In a 2012 report for the Great Lakes Indian Fish & Wildlife Commission, she concluded that the "potential for acid drainage from an open pit mine is a serious concern."

But Tim Myers, chief engineer with Gogebic, said that Bjornerud miscalculated: Only a small amount of sulfide rock would come into play. The company would have to engineer protections to satisfy regulators.

Q. Isn't a pro-mining mining bill assured because Republicans control the Legislature and the governor's office?

A. The focus will be on the Senate, where Republicans have an 18-15 majority. Sen. Dale Schultz (R-Richland Center) is already on record as opposing it. Also, several Republicans are privately raising concerns about the extent of environmental changes. Republican leaders say their bill will have to be modified, but how much is a big unknown.

Q. Who's behind Gogebic?

A. The company is a subsidiary of privately held Cline Resource and Development, which is headed by Christopher Cline, who lives in South Florida. The company owns coal mines in Appalachia and Southern Illinois.

Cline has been a big political contributor in the state, including donations of \$8,000 to Republican Gov. Scott Walker in 2010, and has given to other elected officials, according to the Wisconsin Democracy Campaign.

Q. Does Gogebic own the property?

A. No. The surface and mineral rights are owned by LaPointe Iron Co., of Hibbing, Minn., and RGGS Land & Minerals Ltd. of Houston. La Pointe, RGGS and others have been marketing the mineral rights for years.

Q. Are there other such mines in the state?

A. No. The last iron ore mine in Wisconsin was in Jackson County. It operated from 1968 to 1982. The open pit mine was reclaimed and is now Lake Wazee, the deepest inland lake in Wisconsin at 355 feet.

Q. Where is iron ore mined?

A. Virtually all of the nation's iron ore is mined in northeastern Minnesota and Michigan's Upper Peninsula. If Gogebic is built, it would represent a new third source of iron ore.

Q. Why the interest in this specific site?

A. It contains proven iron ore reserves - the largest in Wisconsin.

Gogebic has access to proprietary core samples held by the landowners. Thus, the company

knows better than anyone about the potential of the ore deposit.

In 1978, economic geologist Ralph W. Marsden estimated the entire Gogebic range contains 2.2 billion metric tons of iron ore reserves in a report to the U.S. Bureau of Mines.

Q. With other mines already operating, and some of the workers currently laid off, why would Gogebic want to get into the business?

A. Iron mining is highly cyclical, but Gogebic officials believe that over the life of the mine, the steel industry will need a new supply of iron. Also, with new technology and efficiencies, a new mine will have a competitive advantage over others.

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MY FOX WAUSAU.com

James Grimes to: Kenneth Westlake, Simon Manoyan,
Michael Sedlacek, Melanie Haveman,
Christine Wagener, Thomas Poleck, James

01/11/2013 09:32 AM

From: James Grimes/R5/USEPA/US
To: Kenneth Westlake/R5/USEPA/US@EPA, Simon Manoyan/R5/USEPA/US@EPA, Michael Sedlacek/R5/USEPA/US@EPA, Melanie Haveman/R5/USEPA/US@EPA, Christine Wagener/R5/USEPA/US@EPA, Thomas Poleck/R5/USEPA/US@EPA, James

Sender	Date	Subject
 James Grimes	01/11/2013 09:32 AM	MY FOX WAUSAU.com

Video at

<http://www.myfoxwausau.com/story/20560186/2013/01/11/people-voice-concerns-about-new-mining-bill>

People voice concerns about new mining bill

Posted: Jan 11, 2013 12:09 AM CST

By Nancy Yousef, Anchor

A new mining bill is heading to the Wisconsin legislature next week, the latest in a heated debate about mining in the state.

The republican-controlled legislature will consider the bill. But Thursday night plenty of people against it voiced some strong concern.

A mining bill is once again the center of controversy. These people at the labor temple in Wausau are against it.

"The headwaters of our homeland the Bad River reservation," said Bad River Band Tribe Chairman, Mike Wiggins Jr.

The bill would allow for an iron mine in Iron and Ashland Counties. The plan failed by one vote in the legislature last year. But it's back. And supporters say its better.

"I think we had a good bill last session, unfortunately it failed by one vote but we think that there is more support out there for the bill now and we're going to have a bill while it's very similar to the old structure to the previous bill, we've made improvements to it," said State Senator Tom Tiffany.

State Senator Tom Tiffany says some of those improvements will make sure the mine doesn't

pollute the environment.

Tiffany says an iron mine could be key to job creation.

"There will be 2000 jobs created in the construction phase which will last about 2 years, there will be 700 jobs created in the mine site itself over at least 35 years potentially as long as 100 years, and then we estimate there's about 2000 spin off jobs that would be created as a result of this also," said Tiffany.

But leaders of the Bad River Band Tribe who live near the site say moving forward with this project would ruin the environment.

"When you're looking at 650 million plus cubic yards of waste rock that is a lot of acid producing waste rock that's going to be crushed, pulverized, and dumped and allowed to be dumped in wet areas, river ways, streams and lakes," said Wiggins Jr.

But the conversation isn't over yet, as legislators will pick up this issue in Madison next week.

State Senator Tom Tiffany says he will introduce the bill to the legislature.

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**Re: Ashland Daily Press**

Christine Wagener to: James Grimes

01/11/2013 10:10 AM

Kenneth Westlake, Simon Manoyan, Michael Sedlacek, Melanie
Cc: Haveman, Christine Wagener, Thomas Poleck, James Grimes,
Jennifer Darrow, Mary Portanova, Stephen Roy, mckim.krista,
This message is digitally signed.

From: Christine Wagener/R5/USEPA/US
To: James Grimes/R5/USEPA/US@EPA,
Cc: Kenneth Westlake/R5/USEPA/US@EPA, Simon Manoyan/R5/USEPA/US@EPA, Michael
Sedlacek/R5/USEPA/US@EPA, Melanie Haveman/R5/USEPA/US@EPA, Christine
Wagener/R5/USEPA/US@EPA, Thomas Poleck/R5/USEPA/US@EPA, James

Sender	Sender	Date	Subject
James Grimes	James Grimes	01/11/2013 09:25 AM	Ashlan
Christine Wagener	Christine Wagener	01/11/2013 10:10 AM	F

NO! IMPOSSIBLE!!!!!!

(HA ha ha ha ha ha)!

James Grimes	Jauch charges lobbyist involved in mining bill 'b...	01/11/2013 09:25:04 AM
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From: James Grimes/R5/USEPA/US
To: Kenneth Westlake/R5/USEPA/US@EPA, Simon Manoyan/R5/USEPA/US@EPA, Michael
Sedlacek/R5/USEPA/US@EPA, Melanie Haveman/R5/USEPA/US@EPA, Christine
Wagener/R5/USEPA/US@EPA, Thomas Poleck/R5/USEPA/US@EPA, James
Grimes/R5/USEPA/US@EPA, Jennifer Darrow/R5/USEPA/US@EPA, Mary
Portanova/R5/USEPA/US@EPA, Stephen Roy/R5/USEPA/US@EPA,
Date: 01/11/2013 09:25 AM
Subject: Ashland Daily Press

Jauch charges lobbyist involved in mining bill 'backroom discussions'

Posted: Thursday, January 10, 2013 9:44 pm | Updated: 10:00 pm, Thu Jan 10, 2013.

Jauch charges lobbyist involved in mining bill 'backroom discussions' By RICK OLIVO / Staff
Writer The Daily Press

State Senator Bob Jauch, D-Poplar, says that lobbyists for iron mining interests are involved in

“backroom discussions” involving upcoming mining legislation to be taken up by the State Legislature.

Jauch made the assertion in a letter to Jeff Ehrhardt of the Joint Mining Impact Committee of Ashland and Bayfield County, which Jauch released Thursday.

Jauch said in the letter that Republican legislative leaders have indicated that the mining bill would be the first bill introduced in both houses of the Legislature.

“(Republican Assembly Speaker Robin) Vos has said that AB 1 (Assembly Bill 1) and SB 1 (Senate Bill 1) should be almost identical to AB 426 as amended by the Joint Committee on Finance,” Jauch said. “Both leaders have publicly stated that AB 1 and SB 1 should be the starting point for a bill that they hoped would be voted on in early March. There does seem to be confusion regarding the scope of the legislation as they have issued competing statements.”

Jauch said Vos has echoed Gov. Scott Walker’s comments that he expects some “tweaks to the bill.”

“During a Monday press conference Senator (Scott) Fitzgerald (state senator and majority leader, R-Juneau) indicated that there would be ‘significant changes in the bill,’ ” he said.

Jauch said he didn’t know what to make of their remarks “other than to conclude that neither of them are sure what changes will be made,” he said.

Jauch said there were two legitimate questions raised by this.

“What is a tweak, and why should it be kept as a national secret?” Jauch said. “The public ought to be included in the conversation. For a fact, I know that the company lobbyist and the WMC are included in the backroom discussions. The public has a right to know.”

Jauch told The Daily Press on Thursday that Republicans were proud of producing an industry-approved bill.

“The Republican-led legislators have been very direct; they won’t do anything unless they get the approval of the company,” he said. “That is very reckless. It’s reckless behavior by individuals who should be fair to any company but should protect the public interest first and foremost.”

Jauch also said that the Wisconsin Manufacturers and Commerce organization has “made it very clear” that they were proud of having spent \$3 million to elect a Legislature that would support a bill they and the mining company wanted.

Jauch’s skepticism about the progress on mining legislation is shared by State Assembly member Janet Bewley, D-Ashland, who said Thursday that she knew nothing about the progress of the Assembly version of the mining bill.

"I wish I had something to tell you, because I don't know," she said. "I think for me that is one of the more troubling things. I would hope that not just me, but the people of northern Wisconsin would be hearing what is going on, would know who is writing the bill, who is in the room. All we can do right now is just wait, and wait for a bill to be introduced."

Bewley said while there is no legal requirement for Republicans to be open about how they are formulating proposed mining legislation, she said she believed mining legislation presented "very extraordinary circumstances."

"We are dealing with an issue that has people very concerned," she said. "On all sides, and from all approaches, this mining issue affects many people on many levels. When you have that much interest, it seems to me that we would be doing the best public service as legislators by letting people know what is going on."

Jauch noted that former Bucyrus Chief Executive Officer Tim Sullivan had been delegated by Walker to work with George Meyer and others to seek a consensus on the regulatory reform proposal.

"Mr. Sullivan has publicly stated that AB 426 even as amended is flawed and needs improvement," Jauch said, noting that Sullivan has expressed concern that the legislation will be subject to a lawsuit which would delay any official enactment of the law.

"It is surprising that Speaker Vos and Senator Fitzgerald acknowledge that the law will face litigation," he said. "It seems counterproductive to the purpose to streamline a process only to invite litigation that will delay the process for years," he said.

Jauch said Senator Tim Cullen's committee recommendation, prepared last session, is being drafted.

"We expect that the bill will also be prepared very soon for introduction," he said.

Jauch said that meant the public would have two alternative proposals to consider.

"One that was written in public deliberation and one that has been written almost entirely behind closed doors," he said. "It is important to note that Senator Cullen's bill includes six of the seven recommendations made by Steven Donahue, a member of the Mining Association when he testified before our committee."

Jauch said neither AB 1, SB 1 or Cullen's legislation will include any changes to the mining moratorium language.

"The governor and the Mining Association have all concluded that it should be an issue considered in separate legislation," he said.

Jauch said the language in the Cullen bill would also recommend the establishment of a gross tonnage tax.

“I understand that during a recent conversation Senator (Tom) Tiffany (Republican state senator of Hazelhurst) has stated that ‘no mining company would make that investment if they had to pay the tax.’ ”

However, Jauch noted there were six processing plants and nine taconite mines in northern Minnesota that produce the largest amount of taconite in the United States.

“The mine operations proudly point to the taconite tax and IRRRB as a way to diversify and strengthen the regional economy,” he said.

Jauch said there would be a public hearing at the end of January.

“It is uncertain as to the location of that hearing, but it is fair to conclude that the initial plans do not include any hearing in northern Wisconsin,” Jauch said. “It is my understanding that Senator Tiffany has suggested that it is ‘too controversial a topic’ to hold a hearing up north,” he said.

“There have been three public hearings on the bill. Two have been held in the south and one in the north. It would seem only fair that the citizens should have the chance to express their voice on a bill and project that directly impacts their life. Representative Bewley and I will continue to encourage a hearing in the north.”

Bewley also said she knew that the people of northern Wisconsin expected to be involved in the process.

“They deserve a hearing up north,” she said.

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Ashland Daily Press

James Grimes to: Kenneth Westlake, Simon Manoyan,
Michael Sedlacek, Melanie Haveman,
Christine Wagener, Thomas Poleck, James

12/10/2012 08:19 AM

From: James Grimes/R5/USEPA/US
To: Kenneth Westlake/R5/USEPA/US@EPA, Simon Manoyan/R5/USEPA/US@EPA, Michael Sedlacek/R5/USEPA/US@EPA, Melanie Haveman/R5/USEPA/US@EPA, Christine Wagener/R5/USEPA/US@EPA, Thomas Poleck/R5/USEPA/US@EPA, James

Sender	Date	Subject
 James Grimes	12/10/2012 08:19 AM	Ashland Daily Press

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Panelists take a dim view of mining impact at event

Posted: Saturday, December 8, 2012 12:03 am | Updated: 12:05 am, Sat Dec 8, 2012.

By Rick Olivo Staff Writer

A trio of participants in a panel discussion on iron mining in northern Wisconsin were deeply skeptical about the environmental, sociological and economic costs of a proposed iron mine in Ashland and Iron counties, saying that the risks presented by mining far outweighed any possible economic benefit.

Taking part in the discussion, which took place at Northland College's Alvord Theater, were Bob Kincaid, a ninth-generation Appalachian, the son and grandson of coal miners who has become an activist against mountaintop removal mining for coal, Jessica Koski, a community mining specialist for the Keweenaw Bay Indian Community on the Upper Peninsula of Michigan and Bad River Tribal Chairman Mike Wiggins Jr.

The Mining Impact Coalition of Wisconsin sponsored the event. The organization's website says their mission is "public education, networking, and grassroots organizing on the environmental, health, social, and economic issues of mining that disproportionately affect Native and rural populations."

Moderating the event was Sigurd Olson Environmental Institute Director Mark Peterson.

"We are not here to tell you what to think," he said, introducing the discussion. "We are here to provide information. He noted that several meetings on the subject of iron mining have been held in the area.

"There are certainly many points of view to understand," he said.

Kincaid was the first speaker, and said he has been told that speaking of coal mining in a region that was considering the mining of iron was "comparing apples and oranges."

He said, however, that there were certain compelling relevant factors between the two processes. One was that both use large amounts of explosives that produce toxic byproducts. He said in his area of West Virginia, more than five million pounds of explosives are used every day, and asserted the environmental consequences of their use lead to the deaths of 4,000 people every year.

"That means for every job produced in mining there is one death every year. For every career, there are 20 people who die. That is not a fair exchange," he said.

In addition, he said the use of ammonium nitrate-diesel fuel explosives led to birth defects, cancer and heart disease.

"That is our reality, and I daresay that is the reality that is planned for you," he said. "What it boils down to is you are being asked to trust people that you have no reason to trust."

Kincaid warned that if mining was allowed in northwestern Wisconsin it would be a "Pandora's Box that cannot be closed."

"What we are doing in Appalachia is trying to stop something that has already started. You have a much better chance to stop it before it begins," he said.

Jessica Koski told the audience that many thousands of miles of rivers have been poisoned by acid mine discharge, and charged that The Rio Tinto Mining group had helped to write Michigan mining laws to suit themselves when they wanted to create the Eagle Mine, and asserted that the permit to operate the mine violated the state's own laws.

"There are only 12 underground mining jobs; the rest are only short-term construction jobs," she said. Noting that the mine would only be open for a few years in any case.

"This company doesn't have the same responsibility to the waters and the land that is sacred to the Anishinaabe people," she said, asserting that there were other mining companies "waiting in the wings" to construct other mines, including a copper mining operation within 200 yards of Lake Superior.

Koski said the treaty rights of the Ojibwe people would "become meaningless" with mining.

Koski also said that mining in the face of climate change was another issue and that designs for sediment ponds have been engineered to withstand only a 100-year flood event.

We just had a 500-year flood event," she said.

Koski said that the fight against mining would be a "lifelong battle," but said that there was "a lot at risk, a lot of risk we are being asked to take."

Wiggins said the issue was largely about water, both groundwater and surface water, about the ability for people to use water for fishing, harvesting wild rice and drinking.

"Language in the mining bill takes the mining companies off the hook for environmental protection and gives them the ability to fill in lakes and streams with mining waste," he said.

Wiggins said what was taking place in Madison with regard to mining was a “one-two punch.”

“First they are messing with the permitting process,” he said, asserting that the current process protects residents of the state from poisoned air and water.

“They are trying to make it as porous as possible,” he said. “The process is a corporate giveaway.”

He said the second part of the “punch” had to do with the environment.

“They want to make it so that mining automatically trumps environmental law,” he said.

Wiggins said that the current contested case process was the only way for citizens to effectively put the mining company Gogebic Taconite (GTac) on the stand to prove that their mining is safe. He also said that mining was an “environmental racism” issue, as well as a human rights issue. He also charged that GTac was withholding test-boring results that could indicate whether sulfides that might cause acid mining drainage were present.

“It’s cloak and dagger,” he said.

“Mining is ultimately a matter of self-determination,” Kincaid said. Once the permitting process is complete, it will never end until the company says they are done. You will never get a chance to stop it once it starts.”

“Indigenous peoples have a traditional knowledge of what they need to live. Technology can blast mountain tops, but is that really what we want to do?” Koski asked.


Rick Olivo can be reached at rolivo@ashlanddailynews.net



Duluth News Tribune
James Grimes to: Kenneth Westlake

04/02/2012 08:54 AM

From: James Grimes/R5/USEPA/US
To: Kenneth Westlake/R5/USEPA/US@EPA

Sender	Date	Subject
 James Grimes	04/02/2012 08:54 AM	Duluth News Tribune

Published April 01, 2012, 02:54 PM

Senator's view: Mining reform discussions continue

SEN. BOB JAUCH: Immediately after adjournment of the Legislative session, I sent Gov. Scott Walker a letter encouraging him to create a bipartisan panel that would bring legislators to the table to achieve consensus on the controversial mining reform legislation.

By: **Sen. Bob Jauch**, for the News Tribune

Immediately after adjournment of the Legislative session, I sent Gov. Scott Walker a letter encouraging him to create a bipartisan panel that would bring legislators to the table to achieve consensus on the controversial mining reform legislation. I was pleased when the Governor contacted me in response to the letter and gave Senator Schultz and I each an opportunity to meet with him to review possible options on how he could proceed to enable a dialogue that would result in recommendations to achieve responsible mining regulatory reform.

It was a very cordial and productive meeting in which we agreed that despite the rigorous political debate, there is a sincere willingness by the three of us to continue the dialogue to find common ground on the issue. In our conversation I reminded the Governor that there is already substantial agreement between the two plans that could be used as a blueprint for compromise. There are 7 items in which the sides completely agree and 6 other items where each side addresses the same topic, but utilizes a different approach.

During our lengthy conversation no one made excuses or talked about blame. It was a positive and honest conversation between public officials who were genuinely looking for a resolution to a complicated, controversial and polarizing issue.

We also agree that it would not make sense to call a special session unless there was a compromise that could engender majority support in the Assembly and Senate.

We agree that it is best to remove the issue from the scorched earth political environment that has alienated public officials and polarized the public. Rather than appointing a bipartisan group of legislators it would be better to look outside the Capitol for individuals with balanced expertise and aren't personally entangled in the partisan political discourse.

All of us agree that Tim Sullivan, the chair of the Wisconsin Mining Association, would be a very credible individual who could facilitate the dialogue. We have all maintained ongoing conversations with Tim and are comfortable with his grasp of the issues. Most importantly, we are confident that he could reach out and work well with a diverse group of stakeholders that would be committed to recommending a consensus document.

Recently, Tim had a constructive, two hour conversation with former DNR Secretary George Meyer that I believe created a good foundation for future dialogue. A week ago Tim also met with Senator Cullen, Senator Schultz and I in a productive conversation during which there was mutual agreement on the goal of regulatory reform.

We discussed other individuals who we believe would provide objective and constructive input that could result in a thorough review of the regulatory process and consensus legislation. Senator Schultz and I encouraged involvement with tribal representatives.

We agree that the review should focus on ways to improve the predictability and certainty of the regulatory process. Between the two legislative proposals there is already a sufficient foundation for reasonable compromise. It will take a third party to solidify this compromise.

We agree that an eventual proposal can be achieved, but it will take some time. In this hot-blooded political climate, with upcoming recalls and November elections, too much attention will be focused on politics instead of policy.

Over the course of a year I have had dozens of similar conversations with DNR and the Governor's staff. However, the conversation I had with Governor Walker is exactly the kind that leads to resolution of complicated issues.

A year ago I pledged to work for reasonable, responsible and realistic mining regulatory reform that is fair and flexible, protects the public voice and doesn't weaken environmental standards. The hypertensive partisan charged debate has deeply polarized citizens and contributed to an impasse, but I remain committed to finishing the job.

If the only result is the bitter aftertaste of indecision we will not have served the public well. I will continue to keep my word to serve the public and complete the task.

Bob Jauch is a Democrat from Poplar who represents Northwestern Wisconsin's District 25 in

To: Alan Walts/R5/USEPA/US, Michael Sedlacek/R5/USEPA/US, James Grimes/R5/USEPA/US, Peter Swenson/R5/USEPA/US, Kestutis Ambutas/R5/USEPA/US, Kathleen Mayo/R5/USEPA/US, Daniel Cozza/R5/USEPA/US, Stephen Roy/R5/USEPA/US, Sue Elston/R5/USEPA/US, Tinka Anne Rowan/R5/USEPA/US, Phillippa Cannon/R5/USEPA/US, Thomas Kenney/R5/USEPA/US, Cliff Rader/DC/USEPA/US, Elaine Suriano/DC/USEPA/US, Justin Wright/DC/USEPA/US, Barbara Wester/R5/USEPA/US,
Cc:
Bcc:
Subject: Fw: Info on WI mining bill and inaccuracies in Milwaukee Journal-Sentinel article: Mining firm drops out after Wisconsin bill rejected (UNCLASSIFIED)

----- Forwarded by Kenneth Westlake/R5/USEPA/US on 03/08/2012 12:07 PM -----

From: "Cameron, Tamara E MVP" <Tamara.E.Cameron@usace.army.mil>
To: Kenneth Westlake/R5/USEPA/US@EPA
Date: 03/08/2012 11:01 AM
Subject: Fw: Milwaukee Journal-Sentinel: Mining firm drops out after Wisconsin bill rejected (UNCLASSIFIED)

Ken, forwarding some info from my WI program manager.

Tamara

----- Original Message -----

From: Graser, Rebecca M MVP
Sent: Thursday, March 08, 2012 10:26 AM
To: Cameron, Tamara E MVP; Sande, William M MVP
Subject: RE: Milwaukee Journal-Sentinel: Mining firm drops out after Wisconsin bill rejected (UNCLASSIFIED)

Right - this is the article that is VERY misleading.

The vote did not reject the bill, it rejected Senate Substitute Amendment 2 (the Vos/Darling compromise). Instead of forcing a vote on the main bill, it was sent back to the Senate Organization Committee.

Yesterday Senate Substitute Amendment 3 was brought forward by 10-15 Senators, and an Amendment to the Sub. Amendment 3 was also brought forward. I have an older draft of substitute amendment 3 - but they are not yet available on the Wisconsin legislative web-site. I have asked Senator Jauch's Chief Staffer if he could send them to me.

So - the bill is not dead yet - you may wish to pass this information to EPA. It is however, unlikely to pass this session, which ends next Thursday (3/15).

Also for EPA's interest - the Kakagon sloughs (nearby downstream wetlands) on the Bad River reservation were added to the RAMSAR list of internationally important wetlands a couple weeks ago.

Rebecca Graser
USACE Biologist, Regulatory Program

(262) 717-9531, ext. 3
(262) 717-9549 (fax)
(262) 422-3051 (mobile)

-----Original Message-----

From: Cameron, Tamara E MVP
Sent: Wednesday, March 07, 2012 5:04 PM
To: Graser, Rebecca M MVP; Sande, William M MVP
Subject: FW: Milwaukee Journal-Sentinel: Mining firm drops out after Wisconsin bill rejected (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Just fyi

-----Original Message-----

From: Kenneth Westlake [mailto:Westlake.Kenneth@epamail.epa.gov]
Sent: Wednesday, March 07, 2012 12:12 PM
To: Cliff Rader; Justin Wright; Elaine Suriano
Cc: Cameron, Tamara E MVP; Thomas Kenney; Alan Walts
Subject: Fw: Milwaukee Journal-Sentinel: Mining firm drops out after Wisconsin bill rejected

Cliff, Elaine, and Justin,
This proposed open pit taconite iron mine in northern Wisconsin would have triggered an EIS by the Corps of Engineers St. Paul District as part of the CWA Section 404 permit process. Gogebic Mining had not applied for a 404 permit, and the NEPA process would have been at least a year off from starting.

Ken

----- Forwarded by Kenneth Westlake/R5/USEPA/US on 03/07/2012 12:00 PM

From: Daniel Cozza/R5/USEPA/US
To: Mary.Manydeeds@BIA.gov, Scott.Doig@BIA.gov, Thomas L Weaver <tlweaver@usgs.gov>, Perry M Jones <pmjones@usgs.gov>, fafitzpa@usgs.gov, James R Stark <stark@usgs.gov>, Frederick.VandeVenter@bia.gov, mark.kuester@bia.gov, Jennifer Manville/R5/USEPA/US@EPA, Ed Fairbanks/R5/USEPA/US@EPA, James Ruppel/R5/USEPA/US@EPA, Margaret Millard/R5/USEPA/US@EPA, Kenneth Westlake/R5/USEPA/US@EPA, Sue Elston/R5/USEPA/US@EPA, Barbara Wester/R5/USEPA/US@EPA, RobertL Thompson/R5/USEPA/US@EPA, Ross Micham/R5/USEPA/US@EPA, Jose Deleon/R5/USEPA/US@EPA, John Colletti/R5/USEPA/US@EPA, George Azevedo/R5/USEPA/US@EPA, Kathleen Mayo/R5/USEPA/US@EPA, David Pfeifer/R5/USEPA/US@EPA, Charmagne Ackerman/R5/USEPA/US@EPA, Kestutis Ambutas/R5/USEPA/US@EPA, Eloise Mulford/R5/USEPA/US@EPA, Stephanie Cheaney/R5/USEPA/US@EPA, Benjamin Giwojna/R5/USEPA/US@EPA, Melanie Haveman/R5/USEPA/US@EPA, Erik Olson/R5/USEPA/US@EPA, Christine Wagener/R5/USEPA/US@EPA, Joanna Glowacki/R5/USEPA/US@EPA, Genevieve Damico/R5/USEPA/US@EPA, Elizabeth Laplante/R5/USEPA/US@EPA, Patrick Hamblin/R5/USEPA/US@EPA, Stephen Roy/R5/USEPA/US@EPA, Simon Manoyan/R5/USEPA/US@EPA, Nuria Muniz/R5/USEPA/US@EPA, Robie Anson/R5/USEPA/US@EPA, Michael Sedlacek/R5/USEPA/US@EPA, James Grimes/R5/USEPA/US@EPA, Sheila Desai/R5/USEPA/US@EPA, Nefertiti DiCosmo/R5/USEPA/US@EPA, Krista McKim/R5/USEPA/US@EPA, nancyschuldt@fdlrez.com, Margaret Watkins <watkins@boreal.org>, "Tod LeGarde" <gpenviro@boreal.org>, John Coleman <jcolemal@wisc.edu>, Esteban Chiriboga <edchirib@wisc.edu>, Ann McCammon-Soltis

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Natalene.Cummings@fcpotawatomi-nsn.gov,
JGodwin@redlakenation.org

Cc: Stephen Hoffman/DC/USEPA/US@EPA

Date: 03/07/2012 11:28 AM

Subject: Fw: Milwaukee Journal-Sentinel: Mining firm drops out after
Wisconsin bill rejected

----- Forwarded by Daniel Cozza/R5/USEPA/US on 03/07/2012 11:27 AM -----

From: Elissa Speizman/R5/USEPA/US

To:

Date: 03/07/2012 10:58 AM

Subject: Milwaukee Journal-Sentinel: Mining firm drops out after
Wisconsin bill rejected

(Embedded image moved to file: pic12154.jpg)

Mining firm drops out after Wisconsin bill rejected

By Patrick Marley and Lee Bergquist of the Journal Sentinel

March 6, 2012

Madison - The state Senate rejected mining legislation on Tuesday,
prompting a prominent mining company to say it was abandoning a
project after months of often bitter debate that pitted conflicting claims
of economic development against environmental protection.

"Senate rejection of the mining reforms . . . sends a clear message
that Wisconsin will not welcome iron mining. We get the message," said
a statement from Bill Williams, president of Gogebic Taconite LLC. "(We
are) ending plans to invest in a Wisconsin mine."

Top Republican leaders said they considered the measure dead. At
stake were an estimated 600 to 700 jobs at a large open pit mine in

northern |
|Wisconsin.

|Bob Seitz, a lobbyist representing Gogebic, said: "This isn't an
|attempt to negotiate anything because that's done."

| | He said that the company made numerous concessions, and wasn't willing |
|to go any further.

|"We let something slip away," said Assembly Speaker Jeff Fitzgerald
|(R-Horicon).

| | His comments came shortly after Sen. Dale Schultz (R-Richland Center) |
|voted with all Democrats to reject the bill, 17-16.

| | Schultz has consistently opposed drafts of the mining bill written by
| | his fellow Republicans, yet leaders continued to seek support from him |
|and a handful of Democrats.

| | Leaders have the ability to revive the bill this week or next if they |
|can find one more vote. But Senate Majority Leader Scott Fitzgerald
|(R-Juneau) made clear just how tough it would be to approve a bill
|before the session ends March 15.

|"This elusive seventeenth vote now is going to become more and more
|difficult to find," he said.

|If no mining bill passes before the end of the regular session, Gov.
|Scott Walker might call a special session on mining, said Walker
|spokesman Cullen Werwie.

|But Scott Fitzgerald said it would be hard to secure votes at that
|stage because recall campaigns against him and three other Senate
|Republicans will be gearing up. That could further politicize an
|already contentious issue, he said.

|Schultz and Sen. Bob Jauch (D-Poplar) have their own version of the
|bill, but Scott Fitzgerald said he did not believe it could get through
|the Assembly.

| | "The Assembly is not going to move that far," Fitzgerald said, adding
| | that Republicans in that house believe they have already given up much. |

|Jauch, whose district includes the proposed mine site in Ashland and
|Iron counties, said lawmakers needed to find a way to regulate mining
|so it could bring in jobs while protecting environmentally sensitive
|areas.

"You cannot have responsible mining if you have irresponsible mining legislation," he said.

Vote applauded

Environmental groups greeted the vote enthusiastically.

"Today's vote is a victory for Wisconsin families and clean drinking water," said Anne Sayers, program director for the Wisconsin League of Conservation Voters. "This bill was filled with some of the worst conservation rollbacks in recent memory."

But James Buchen of Wisconsin Manufacturers & Commerce, the state's largest business lobby, expressed disappointment and saw little chance the bill could be revived in the current climate.

"It's a missed opportunity for the folks in northern Wisconsin to have an economically secure future," he said.

Mining has received little attention in recent years - there is no large metallic or iron ore mine in operation in Wisconsin today.

But that changed after Gogebic Taconite proposed constructing a \$1.5 billion iron ore mine that would employ 600 to 700 workers.

The company is headquartered in Hurley and owned by a Florida-based company that has extensive holdings of coal in Illinois and Appalachia.

Gogebic put its plan on hold during the middle of last year after concluding Wisconsin needed to make changes in the way iron ore mines are regulated.

Gogebic president Williams said before the vote he wanted changes in the law so his company and others could have a set time frame for knowing whether they could get the necessary permits. Otherwise, their efforts could be tied up for years without knowing whether they could proceed with mining, he said.

"What we're asking for is make a decision, be it yes or be it no," he said.

He said his firm has invested more than \$3 million in its efforts in Wisconsin. The company may look to start a mine in another state, he said.

A week ago, in an email, Williams said Gogebic did some mineral exploration in Michigan last summer and has discussed mining with officials in that state.

Kennan Wood, executive director of the Wisconsin Mining Association, said Gogebic needs changes in the law, or it will leave the state.

"They are not going to continue to invest in Wisconsin if we can't pass reasonable mining legislation that provides the guidelines necessary for them to move forward," Wood said.

While some mine supporters said they still hoped to reach a deal, other backers said that was not possible.

"Some continue to say they're willing to negotiate; they are not," said a statement from Rep. Robin Vos (R-Rochester). "Some say they're for mining and jobs; they are not. Today's vote in the Senate proves it."

Republicans argued that iron ore mining is safer than other forms of metallic mines and could operate under a more flexible set of regulations.

That was the intent of both Republicans and many Democrats, but Republicans pushed harder to ease restrictions.

Mining has been a top goal of Walker and Republicans who have a majority in the Legislature. They see mining as central to a pro-economic development agenda.

Key areas of disagreement that have proved to be the mining bill's undoing include:

Exemptions for compliance from various regulations that govern groundwater, surface water and management of waste.

A quasi-judicial process known as a contested case hearing. An Assembly version eliminated the process entirely, and a measure pushed by Republicans included the hearings, but only after an environmental review was completed by the Department of Natural Resources. Democrats and environmentalists have argued that the current system gives the public its best opportunity to weigh in on a case and question expert testimony under oath.

Deadlines for the DNR to make a decision. All the options would provide more certainty than the current law's open-ended system. Democrats opposed an Assembly version of 360 days, which they said was too short. An alternative by Republicans leaders stretched out the period to potentially 630 days. That option, too, couldn't get support.

Jason Stein of the Journal Sentinel staff contributed to this report.

Find this article at:
<http://www.jsonline.com/news/statepolitics/senate-narrowly-rejects-mining-bill-du4fadu-141668193.html>

Classification: UNCLASSIFIED

Caveats: NONE

Mining bill shows clout isn't everything

BY BILL LUEDERS
WISCONSIN CENTER FOR
INVESTIGATIVE JOURNALISM

A few weeks back, this column noted that virtually all the lobbying muscle regarding the redrawing of voter boundaries was brought to bear against the bills that sailed through. That undercuts the popular notion that outside special interests drive the political process, since here the push came entirely from an inside special interest — the GOP-controlled state Legislature itself.

But that's not the only example of how lawmakers serve other masters besides money and might.

Take the state's voter identification law. Nearly three dozen lobby groups registered in opposition to these new voting requirements, which two Dane County judges have in recent days struck down as unconstitutional. Only one group, the Fox Cities Chamber of Commerce & Industry, registered in favor.

For 2011, about 1,000 hours of lobbying was reported by the bill's opponents, led by the United Council of UW Students, with 395 hours. No hours were reported spent by the Fox Cities group, the lone supporter.

The state lobbying community's message to the Legislature was loud and clear: "We don't want voter ID." The Legislature's response: "We don't care." The new law easily passed last May on party line votes.

A more astonishing example of how lobbying clout doesn't always decide legislative outcomes is the state Assembly's mining bill, which recently failed to pass the state Senate. There's talk of last-minute efforts or even



Money & Politics

Bill Lueders

a special session to revive the bill. But for now, it appears dead.

That's surprising, given that 28 state lobby groups staked out positions in favor of this bill, and only 13 were opposed.

Through the end of 2011, opponents did lobby longer than proponents, 1,157 to 779 hours. Most of this effort came from a single group, the Wisconsin League of Conservation Voters, which invested 1,061 hours. That was 30 percent of its 2011 lobbying effort, on which it spent \$130,151.

The bill's supporters included such heavy hitters as Wisconsin Manufacturers & Commerce, the powerful business lobby group, which logged 386 hours last year backing the bill.

Gogebic Taconite, the subsidiary of a national mining company that hoped to open a \$1.5 billion iron mine in northern Wisconsin, reported spending 161 hours on this bill. Overall, in 2011, the company spent \$202,103 on 1,006 hours of lobbying — all regarding mining in Wisconsin.

After the Senate failed to pass the mining bill on March 6, Gogebic announced that it was dropping its plans for a Wisconsin mine.

An analysis by MapLight, a nonpartisan group that tracks lobbying clout in terms of campaign contributions, found that, between July 1, 2009 and June 30, 2011, backers of the Assembly mining bill gave a total of

\$244,886 to current members of the state Legislature. This compares to \$21,905 from groups opposed, a margin of 11 to one.

The bill's failure is even more extraordinary considering the broadness of its support base. Backers included not just the Wisconsin Mining Association ("Every day there is no iron mining in Wisconsin is a day of lost economic opportunity," the group declared in a statement), but also the Wisconsin Restaurant Association and United Sportsmen of Wisconsin.

In 2012, five labor unions, including the Wisconsin Laborers' District Council and Wisconsin State Council of Carpenters, signed on as supporters of the Assembly bill; their expenditures of time and money won't be tallied until mid-year.

In fact, the mining bill did have majority support. It passed the Assembly 59-36, and came within one vote — that of Dale Schultz, R-Richland Center — of passing the Senate, 16-17. Schultz refused to go along with a bill he felt did not offer sufficient opportunities for public input or protections for the environment.

People often talk as though the American political system is a giant vending machine: Interest groups put money in, get policy out. But it's much more complicated than that. The system is run by human beings, who obey all sorts of masters — including, at times, their sense of what's right.

Bill Lueders is the Money and Politics Project director at the Wisconsin Center for Investigative Journalism. The project, a partnership of the Center and MapLight, is supported by the Open Society Institute.